

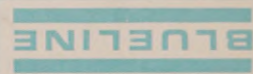
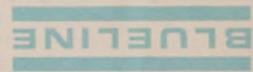
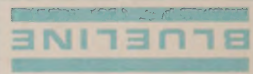
RUNNING RECORD

BILINGUAL DISTRICTS ADVISORY BOARD

VOLUME 13

CHAIRMAN

2008



BILINGUAL DISTRICTS ADVISORY BOARD

- Volume 13 -

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BILINGUAL DISTRICTS ADVISORY BOARD (1972)

PROPOSED AGENDA

Thirteenth General Meeting, October 11, 12, 13 and 14, 1973

La Sapinière, Val-David, Québec

- I - Adoption of agenda
- II - Minutes of Twelfth General Meeting, September 14 and 15, 1973
- III - The principles underlying the Board's recommendations
- IV - The criteria for decisions
- V - The implications in Mr. Cartwright's paper
- VI - The possibilities of utilizing Section 9(2)
- VII - The provision of bilingual services in large centres, such as provincial capitals, "principal offices", "significant demand", and, "feasibility".

3:00 p.m. Saturday, September 13, 1973

- VIII - Survey of the location of principal and other offices
- IX - Provisional recommendations for Quebec
- X - Report on Saskatchewan
- XI - Report on meetings with Ontario and Nova Scotia governments
- XII - Meetings with MPs
- XIII - New designs for cover of final report
- XIV - Review of preliminary drafts of the general introduction to the Report and the introductions to the provincial sections
- XV - Other business

Ottawa,
September 27, 1973

Paul Fox, Chairman

CONSEIL CONSULTATIF DES DISTRICTS BILINGUES (1972)

ORDRE DU JOUR PROVISOIRE

Treizième séance plénière, les 11, 12, 13 et 14 octobre 1973

Hôtel La Sapinière, Val-David, Québec

- I - Adoption de l'ordre du jour
- II - Procès-verbal de la douzième séance les 14 et 15 septembre 1973
- III - Principes à l'appui des recommandations
- IV - Les critères à appliquer
- V - Les implications de la proposition Cartwright
- VI - L'utilisation possible de l'article 9(2)
- VII - Les services dans les deux langues officielles dans les grands centres urbains, telles les capitales provinciales, les "bureaux principaux", la "demande importante", et "praticabilité".

15h, samedi le 13 septembre 1973

- VIII - Etude des données sur les services fédéraux fournis aux régions minoritaires à l'étude.
- IX - Recommandations provisoires pour les districts bilingues au Québec
- X - Rapport sur la visite en Saskatchewan
- XI - Rapport sur les rencontres avec les gouvernements provinciaux de l'Ontario et de la Nouvelle-Ecosse
- XII - Rencontres avec les membres du parlement
- XIII - Dessins de couverture du rapport du Conseil
- XIV - Revue de la première ébauche du rapport et des particularités provinciales
- XV - Autres affaires

ALL MEMBERS

THE CHAIRMAN

September 27, 1973

Agenda for Board Meeting at Val David, October 11 to 14, 1973.

I now have been in touch with all of you by telephone concerning the Val David meeting and I would like to make the following proposals:

1. We should hold the Board meeting at Val David, as planned, with most members arriving Thursday, October 11 and departing sometime on Sunday, October 14.
2. Since some members have expressed the desire to have ample time to discuss a number of general and specific questions, before we consider making any decisions on individual bilingual districts, I am proposing that we divide our time as follows:
 - (a) We could devote as much time as members wish from the time of our arrival on Thursday until 1.00 p.m. on Saturday, in discussion of such items as the following:
 - the principles underlying our recommendations,
 - the criteria for decisions,
 - the implications in Mr. Cartwright's paper,
 - the possibilities of utilizing Section 9 (2),
 - the provision of bilingual services in large centres, such as provincial capitals, "principal offices", "significant demand", and "feasibility".

If members wish, they could have meetings on these subjects on Thursday evening, Friday morning, Friday afternoon, Friday evening, and Saturday morning until 1.00 p.m..

- (b) Following the arrival of Messrs Savoie and Monnin on Saturday afternoon, at approximately 3.00 p.m., we could discuss the results of Mr. Morency's survey of the location of principal offices and have a preliminary discussion of the bilingual districts in Quebec proposed by Mme Raymond and M. Mackey.

Depending on the remaining time available (which will be determined by the hour that members choose for departure from Val David on Sunday), we can discuss the following subjects:

- reports on the visit to Saskatchewan, and
 - the meetings with the Ontario Government and the Nova Scotia Government,
 - possible arrangements for meeting M.P.s,
 - new design for the cover of the Report, and
 - any preliminary drafts of the general introduction to the Report and the introductions to the provincial sections of the Report which are ready, and,
 - other business.
3. We will try to distribute to each member as soon as possible as much documentation as we can, including if possible a summary of the results of Mr. Morency's study of the location of principal offices and the proposals from our Quebec members for bilingual districts in Quebec, and preliminary drafts of the general introduction and the provincial introduction, if they are ready.
4. In any case, I propose that we do NOT make any final decisions on any substantive issue at our meeting at Val David, but use this meeting to complete all of our preliminary discussions so that we are prepared to make final decisions at our November meeting in Ottawa. This will give each of us a good deal of time for reflection between the Val David meeting and the November meeting of the Board.
5. I would like to invite each member who has comments on the above arrangements to make his views known immediately to the secretaries. In particular, I would like to ask you to do the following:
- (a) Please read the attached draft agenda and if you have any comments, please send them to our Secretary or Associate Secretary at once. You will have the usual opportunity to propose additional changes, of course, at the meeting at Val David when the agenda is presented for adoption, but once it has been adopted at that meeting, we will adhere to it.
 - (b) Please indicate on the attached paper whether or not you agree that we should conclude the Val David meeting at about noon on Sunday. If you have other suggestions, please make them now.

- (c) Please indicate whether or not you wish to have meetings at the following times by checking the list in the appropriate places of the attachment.

Please send your replies on these questions to Mr. Morrison or Mr. Morency immediately.

TO: Secretary General

FROM:

Subjects: Val David Meeting, October 11 to 14, 1973.

With reference to the Chairman's memo of September 27th, 1973, the following information is provided:

Re: Para 2

Other business to be added to agenda, if any:

Re: Para 3

Provincial introduction attached/not attached.

Re: Para 5

(a) Comments on proposed arrangements, if any:

(b) Comments on proposed agenda, if any:

(c) Agree/do not agree to conclude the meeting at about noon, Sunday.

(d) Wish to have meetings:	<u>Yes</u>	<u>No</u>
- Thursday night	_____	_____
- Friday morning	_____	_____
- Friday afternoon	_____	_____
- Friday evening	_____	_____
- Saturday morning	_____	_____

Commissioner

DEUXIEME CONSEIL CONSULTATIF DES DISTRICTS BILINGUES

Procès-verbal de la douzième réunion,
les 14 et 15 septembre 1973

110, avenue Argyle, Ottawa

La douzième séance plénière du Conseil consultatif des Districts bilingues (1972) a été convoquée par le Président pour le vendredi 14 septembre 1973 à 9h, à la salle de conférence, 110, avenue Argyle, Ottawa (Ontario).

Participent à la réunion:

M. Paul Fox, président
Mme Jane Carrothers, commissaire
Mlle Eleanor Duckworth, commissaire
M. W.H. Hickman, commissaire
M. Léopold Lamontagne, commissaire
M. William Mackey, commissaire
M. Alfred Monnin, commissaire
Mme Yvonne Raymond, commissaire
M. Albert Regimbal, commissaire
M. Adélard Savoie, commissaire

M. Neil Morrison, secrétaire général
M. Roland Morency, secrétaire général associé

Assiste également à la réunion:

M. Donald Cartwright, conseiller en recherche

I - ADOPTION DE L'ORDRE DU JOUR

Ayant considéré l'ordre du jour provisoire, Mme Raymond a demandé de porter à l'ordre du jour le reportage touchant le travail du Conseil publié dans le Ottawa Citizen du 6 septembre 1973 sous la signature de M. Patrick Best. Le président a donc inscrit cet article comme item III - 8 à l'ordre du jour.

Pour sa part, M. Fox a demandé d'ajouter à l'item IV le document préparé par M. Morency traitant de la demande suffisante et des bureaux principaux. Il a de même demandé d'ajouter à l'item VI une note de service qui lui était adressée et intitulée "Enquiry's objectives".

Mme Carrothers, appuyée par M. Savoie, propose ensuite que l'ordre du jour soit adopté tel qu'amendé.
Motion adoptée à l'unanimité.

Avant de passer à l'item II, le président a voulu souligner à l'attention des membres du Conseil le succès de l'examen entrepris par M. Don Cartwright pour son doctorat et lui offrir de la part du Conseil des félicitations chaleureuses.

II - PROCES-VERBAL DE LA ONZIEME SEANCE, les 20 et 21 juillet 1973

The Chairman asked that the minutes be amended at item VI to read: "Brant Cowie". Mrs. Carrothers asked that the second paragraph at page 6 of the minutes be amended to read: "Following this meeting, Father Regimbal and some other members had lunch with Mr. Ralph Stewart, Liberal member for Cochrane and later met Mr. James Jerome, Liberal member for Sudbury."

It was moved by Dr. Mackey, seconded by Dr. Hickman that the minutes of the eleventh meeting be accepted as amended. Carried.

III - BUSINESS ARISING FROM THE MINUTES

1. Correspondence

Under this item, the Chairman made a quick review of the letter received from the Secretary to the Hon. R. Bourassa, his letter to the Secretary to the Rt. Hon. John Diefenbaker, his letter to the Hon. C.M. Drury for which he would later ask the concurrence of the Board members, the correspondence between the Secretary and Judge Monnin on the Saskatchewan visit, the exchange of letters with the Ontario Government, the letter from the Hon. Rousseau from Newfoundland, the postponement of the meeting with the Nova Scotia Government, letters from Francophones in the North of Ontario and, finally, letters of thanks from the secretaries to local officials whom the Board met on recent trips, and the letter of the Secretary to Mr. B. Smith outlining the questions which Board members wished to clarify in their consideration of bilingual districts.

On the latter, Mr. Cartwright invited the attention of the Board members to the fact that a two tier proposal had been agreed by the Board members at a previous meeting. The Chairman thanked Mr. Morrison for his letter to Mr. Smith and suggested that the problems raised in that letter be taken in the sequence given as a guide to the discussion to follow.

2. Rapport du Père Regimbal sur les visites et consultations à Sudbury, Sault Ste-Marie, Thunder Bay, Geraldton (Longlac) et Kapuskasing (Hearst)

A l'invitation du président, le Père Regimbal fit rapport de la tournée du nord Ontario félicitant ceux des membres qui avaient préparé des notes sur cette visite lesquels présentaient des impressions peut-être personnelles mais tout de même très fidèles de l'essence même de ces rencontres. Il désirait cependant atténuer quelque peu les prétentions du maire Fabbro de Sudbury en ce qui touche la disponibilité des services fédéraux en français dans cette région.

Pour lui, la situation de la population de Geraldton et Thunder Bay lui semble très précaire et il a été touché des plaidoyés pour une reconnaissance des besoins pressants de la population. La tournée du nord ontarien lui semble très valable et les impressions retenues très précises.

Mme Raymond pour sa part est d'avis que la possibilité de recevoir des services en français est une nécessité pour la jeunesse locale.

Selon M. Lamontagne, la radio et surtout la télévision lui semble presque aussi important que l'éducation pour la survie de la population française. Il croit essentiel qu'il en soit tenu compte lors de la rédaction du rapport du Conseil. Le président est d'accord et dit avoir inséré dans ses notes d'introduction des commentaires à cet effet.

Dr. Hickman asked the members who had participated in the visit of Northern Ontario if the impression received is that as large a district as possible should be recommended or whether the Board should concentrate on the areas having a higher percentage of Francophones.

Le Père Regimbal répond qu'il lui est difficile de décider sur cette question compte tenu des arguments pouvant supporter les deux positions. Chose certaine, c'est que la population francophone de l'endroit veut être identifiée sous une formule quelconque qui lui donnera une reconnaissance réelle de ses besoins.

M. Lamontagne ajoute que malheureusement les services fédéraux se trouvent à Thunder Bay et qu'à cet endroit le pourcentage est insuffisant pour constituer un district bilingue. Pour M. Mackey, la situation est trop complexe pour qu'on puisse lui donner une réponse simple et directe sans avoir considéré en détail les données et la carte géographique. M. Lamontagne croit aussi qu'il faut attendre la rencontre avec le gouvernement de l'Ontario pour discuter en profondeur cette question. M. Fox souligne entre autre que la cause des francophones de cette région lui a paru la plus touchante.

Mme Raymond insiste qu'il n'est pas tellement question de diluer ou non les pourcentages qui s'appliquent à la région mais plutôt d'identifier d'une façon assez précise les rattachements culturels de la population. Le Père Regimbal est d'accord disant que l'aspect culturel plutôt que l'aspect linguistique a été mis à l'avant par les personnes rencontrées. Compte tenu des idées exprimées par les membres, le président reporte à l'item VIII une discussion plus poussée de la position que devrait prendre le Conseil vis-à-vis cette région.

3. Rapport du Dr Mackey sur la visite et les consultations de Rouyn-Noranda

Following his written report on the area, Dr Mackey stressed the affinity of these twin cities with Northeastern Ontario and the Anglophone influence over the language of work until fairly recently. Federal services are already provided to the English-speaking population in their own language and a bilingual district would not really be needed. In the words of one Anglophone met during this visit, it would be advisable to leave very well alone.

Mme Raymond est tout à fait d'accord avec les impressions exprimées par M. Mackey et elle est d'avis qu'il n'y a aucun problème pour les anglophones et qu'il y en a davantage pour les francophones qui travaillent dans les mines. C'est, en somme, la situation du Québec.

Le Juge Monnin se questionne sur le critère suggéré pour la création ou la non-création d'un district bilingue. N'y a-t-il pas lieu d'assurer l'anglophone de ce droit au même titre que le Conseil se propose de le faire pour les francophones dans les autres provinces? Doivent-ils être ignorés? Le service existant est-il suffisant ou faut-il aussi l'assurance? Pour le père Regimbal, un fait pertinent est qu'il faut à la population anglophone de l'endroit obtenir des journaux de l'Ontario anglophone tel le Globe & Mail, et ceci peut refléter un besoin réel qui n'est pas satisfait. Tout en admettant que les anglophones obtiennent leurs services en anglais, M. Savoie est d'avis que si le Conseil veut être logique et maintenir sa crédibilité il faudrait tout de même donner à la population minoritaire anglophone les districts bilingues dont elle a besoin afin de pouvoir agir ainsi envers les minorités francophones des autres provinces.

Répondant aux opinions exprimées par M. Monnin et Savoie, M. Mackey s'interroge s'il faut accorder ainsi un district bilingue au Québec partout où le 10% est présent. M. Savoie répond qu'il ne considère pas ce critère universel puisque déjà plusieurs pochettes rencontrant le critère de 10% ont été abandonnées.

De fait il est prêt à considérer une plus grande latitude dans le Québec qu'ailleurs à cet égard mais non pas de laisser tomber systématiquement des régions parce que la population minoritaire est déjà bien servie. Mme Raymond ajoute que selon la loi, un Conseil sera créé à tous les 10 ans pour considérer les nouveaux besoins mais qu'il faut bien réfléchir à la permanence des districts créés.

A l'arrivée de M. B. Smith du ministère de la Justice, le président remet à plus tard la discussion touchant la région Rouyn-Noranda.

IV - CONSULTATION WITH MR. B. SMITH OF DEPARTMENT OF JUSTICE ON VARIOUS ASPECTS OF THE ACT RELATING TO INTERPRETATION AND POSSIBLE RECOMMENDATIONS

In view of the wish of the Board members to obtain a complete transcript of the consultation with Mr. Smith, this has been prepared and is attached to the minutes of the meeting as annex A.

Following the long discussion with Mr. Smith, the Chairman raised the subject of significant demand and principal offices according to the revised document prepared by Mr. Morency. He felt that much of the paper had been discussed with Mr. Smith but he invited the members to comment further if they so wished.

Before proceeding with this paper, Mrs. Raymond expressed her opinion of the meeting just ended by saying that she was left with the feeling that the Board could do anything it wanted to do or do nothing if it so wished. The Chairman added to this the proviso that the Board was first committed to fulfill its mandate by recommending some bilingual districts.

Father Regimbal also wished to review the meeting with Mr. Smith to see if a consensus could be arrived at. Selon M. Mackey, il serait très prudent de différencier entre les districts bilingues recommandés selon l'article 15(1) de la loi et les autres recommandations qui pourraient venir en surcroît. Le Père regimbal dit que ce qui l'avait frappé le plus au cours de cette discussion était le souci de crédibilité sur lequel M. Smith avait tant insisté. De ce souci, il importe au Conseil de s'assurer qu'avant tout les recommandations soient fortement justifiées.

Revenant au document de M. Morency, le président invite les membres à faire connaître les opinions divergentes qu'ils pourraient avoir. Pour le Père Regimbal, il est surtout intéressé à connaître la réaction de M. Morency aux commentaires et opinions exprimées par M. Smith.

En exprimant ses impressions, M. Morency déclare avoir trouvé aucune objection catégorique de la part de M. Smith aux propositions faites dans le document touchant les bureaux principaux et la demande suffisante si ce n'est de la façon plus souple qu'il faudrait utiliser pour présenter les alternatives suggérées. Ce qui importe, c'est de faire ressortir davantage la relativité des bureaux fédéraux aux besoins de la population minoritaire et de bien démontrer qu'il n'existe de fait aucun chevauchement de territoire entre ces bureaux. Il sera nécessaire de redéfinir les expressions utilisées et d'éliminer le terme "all" qui serait apte à laisser une impression fausse vis-à-vis la responsabilité de ces bureaux.

M. Savoie dit avoir été très impressionné par le document à l'étude mais qu'à la suite de la discussion avec M. Smith ses convictions sont quelque peu ébranlées. Il croit qu'il sera très difficile de redéfinir d'une façon acceptable les bureaux principaux et qu'il serait peut-être préférable d'explicitier l'idée dans le texte du rapport sans y ajouter une définition rigide. Mr. Morrison said that Mr. Smith was most careful not to speak for the Board but that he nevertheless entertained serious reservations on the possibility of defining principal offices in view of the danger of losing credibility if a definition of this sort was not acceptable.

Dr. Hickman suggested that perhaps instead of a definition, the Board could establish the assumptions under which it carried out its mandate thus avoiding the trap of a definition but yet imparting the ideas necessary to the recommendations. Dr. Mackey believed the crux of the matter is that the concept can be used but the expression of "all" would be objectionable. Miss Duckworth said that although the definition given by Mr. Morency could be modified or converted to an assumption, what concerned her most was the danger of recommending bilingual services in areas where essentially the population is unilingual. This would raise the necessity to list a number of exclusions or exceptions which would clutter up the report. M. Savoie se dit très inquiet de la position prise par M. Smith alors qu'il prétend devoir appliquer au bureau le plus important, la responsabilité de dispenser les services dans les deux langues même si ceux-ci ne traitent pas directement avec le public. Selon lui ceci est contraire à l'esprit de la loi. A cet égard il recommande que l'expression "those" soit utilisée plutôt que "all".

Mme Raymond est d'accord qu'il n'est pas aussi important de définir ces termes comme de les bien explicitier comme concept utilisé par le Conseil pour en arriver à ses recommandations. Pour sa part, le Père Regimbal est d'avis que l'idée de la demande importante est quelque peu négligée.

Mr. Morrison feels that the proposal is equivalent to rewriting the Act in saying that a bilingual district under Section 9(1) should be construed to constitute a significant demand in keeping with Section 9(2). M. Savoie ajoute que le Conseil est évidemment justifié de décrire les besoins d'une région par la recommandation d'un district bilingue selon l'article 9(1) mais que toute recommandation sous l'article 9(2) en réalité est hors mandat et n'aurait pas la même valeur pratique. M. Lamontagne répète que la solution possible est d'inclure l'idée au rapport comme solution pratique mais n'en pas faire une recommandation spécifique. At this point, the Chairman intervened to say that Mr. Spicer had taken this approach of presenting both sides of the question in his annual report. This was received with mixed feelings not only on the part of the Board members but also by the public in general. What would the Cabinet's reaction be to such an approach? Mr. Mackey is inclined to agree with the position taken by Mr. Lamontagne. Since the Board cannot give a clear-cut recommendation, it might still be valuable to give the government the benefit of the thinking of the Board and invite its attention to the problem.

Mr. Morency accepted to redraft his document taking into account the ideas expressed by the Board members.

III - 4, 5, 6. Report by Mrs. Raymond on the visits and consultations in Châteauguay, Huntingdon, Deux-Montagnes, Argenteuil, Brôme and Missisquoi counties

Returning to item III - 3, the Chairman asked the members for further comments on the interrupted discussion about Rouyn-Noranda. There being no further comments, he invited Mrs. Raymond to report on the visits in Quebec.

Mme Raymond s'est dite très satisfaite des rapports écrits préparés par le président et M. Mackey lesquels décrivent la situation de ces régions et des rencontres tenues d'une façon très fidèle. Pour sa part, elle a pu constater que l'anglophone de ces régions est très bien disposé à vivre dans le Québec et à s'accommoder de la langue seconde comme citoyen à part entière. Aucune plainte a été faite des services offerts au public anglophone. M. Mackey se dit d'accord avec les rapports déjà faits et les commentaires ajoutés par Mme Raymond. Il reporte les membres au rapport qu'il a fait lui-même sur cette région qu'il ne croit pas nécessaire de répéter.

Mr. Morrison said that the situation found in those areas was quite different from what the Board had found in other parts of the country and, although it is true that

services are provided there to the minority population in their own language, some concern was expressed as to the security offered in view of the attitude of the provincial government as regards the official languages. Mrs. Raymond however, does not feel the same concern as she is confident that the next Board may remedy any unsatisfactory condition.

The Chairman expressed the view that the Châteauguay valley was the first genuine bilingual area he had come across in the various regions of the country. He said that he did not find the same situation in Deux-Montagnes and Lachute where the integration had not reached the same degree. Le Père Regimbal se dit perplexe devant une situation de faits dans une région bilingue, au point où en est la vallée de Châteauguay, à savoir si cela milite pour ou contre une recommandation d'un district bilingue. De son côté, le juge Monnin s'inquiète qu'on hésite à recommander un tel district pour ce qui touche le gouvernement fédéral et ne voudrait pas que le problème au point de vue provincial affecte les décisions du Conseil. Il croit qu'il faut accélérer les décisions surtout lorsque le pourcentage de la population minoritaire et le nombre rencontrent d'emblée les critères. Il est d'avis que dans ces cas il faut limiter les discussions de principe et en venir à des décisions.

Revenant au point soulevé par le Père Regimbal quant à la nécessité ou non-nécessité de déclarer district bilingue une région où les services fédéraux sont bien établis dans les deux langues officielles, M. Morency se déclare d'avis que dans un cas semblable il serait judicieux de déclarer le district bilingue afin de préciser nettement aux fins de l'administration fédérale les besoins de services bilingues lorsque ces besoins ont été reconnus par l'application même de la loi. Il lui semble que ces constatations de faits font partie même du mandat du Conseil. Il craint que si les recommandations ne reposent pas sur une situation de faits ou que celles-ci laissent quelque doute, les fonctionnaires devront porter leur propre jugement et agir sans direction précise. Dans un tel cas, il est tout probable qu'un comité inter-ministériel se verra assigné la tâche de tirer des conclusions du rapport afin de pouvoir porter des gestes positifs. Il y a donc danger que les résultats ne soient pas ceux voulus précisément par les membres du Conseil. M. Monnin ajoute qu'ayant trouvé les concentrations importantes qui rencontrent les critères il s'agit maintenant d'établir les frontières.

Le président invitait ensuite M. Regimbal à commenter sur la prise de position de son frère lors de la rencontre à Lachute. M. Roger Regimbal demeure à Lachute depuis vingt ans et était autrefois député fédéral de la circonscription. Rapportant sur cette discussion, le Père Regimbal résume la conversation en disant qu'aux yeux de son frère, il y a surtout lieu de définir les besoins des postes plutôt que de circonscrire des régions soit-disant

bilingues et d'éviter ainsi toute controverse qui pourrait en résulter. M. Monnin ajoute que les mêmes idées ont été exprimées en Alberta et dans d'autres provinces où la crainte d'envenimer les choses a créé une certaine insécurité chez les minorités. Cependant, il ne croit pas que ce soit le travail du Conseil de refaire la loi ou de reprendre la philosophie déjà débattue au Parlement. Il ajoute d'ailleurs que le Conseil de la Vie française en Amérique a déjà reproché au premier Conseil de n'avoir pas atteint un assez grand pourcentage de la population minoritaire dans ses recommandations. Les plaidoyés de la population de Kenora et du Nord ontarien reflètent très bien les besoins et les droits demandés par la population surtout en ce qui touche la radio et la télévision.

A ce sujet, Mlle Duckworth déclare que nulle part il est fait mention de la radio dans la loi et qu'un poste ne peut être reconnu comme un bureau. Résumant la situation, M. Savoie déclare que le mandat du Conseil c'est l'article 13 sur lequel le Conseil s'est penché longuement. Il serait de bon aloi de ne pas poursuivre davantage les discussions de principe et en venir à des décisions précises. Il est d'avis que les représentants du Québec devraient maintenant faire connaître leurs recommandations aux autres membres du Conseil, de les discuter un à un et de prendre les décisions qui s'imposent.

III - 7. Report by Dr. Mackey on visit and consultations in Pontiac County

As he had not yet prepared his written report, Dr. Mackey reviewed the situation found in Pontiac during the visit of September 13. He said that the County was originally mostly Anglo-Protestant and had developed a French minority over the years, particularly in the area of Fort-Coulonge. The people in the County have an affinity with the Anglophones of Ontario, including Ottawa and those of Montreal. Few services are found in the area outside Manpower and the Post Office. Shawville has retained a higher content of Anglophones than Fort-Coulonge but even there the lumber barons have a great influence on the language spoken. There has been a great deal of assimilation and he categorized the area as a linguistic border land. Judge Monnin asked for a clarification of the expression "border land" and asked if bilingual services were required. Dr. Mackey replied that what was needed in that area was French services as a number of small offices did not provide service in French to the population.

At this point, Mr. Morrison submitted a County Council recommendation for a bilingual district which had been given him by the Secretary-Treasurer of the Council.

Returning to the question as to whether the area should be recommended as a bilingual district, Mr. Lamontagne said that in view of the percentage of the minority as well as the majority population, he felt there was little choice but to recommend the area as a bilingual district. He added that from the consultations held, he found no objection to a bilingual district but those met felt there should be a good explanation of what is a bilingual district if controversy was to be avoided.

Mr. Morrison explained to the Board that the visit made by himself and Mr. Morency to the area on Monday, September 10, 1973 was done at the request of the Warden of the County in order to explain to the 23 mayors present at the County Council meeting the Official Languages Act and the work of the Board in this connection. After this visit, he felt that the language situation in the area was more acute than elsewhere in the province of Quebec.

On his part, Mr. Cartwright commented on the reports he had received in relation to the telephone service which is almost non-existent in French for people of the area and the effect this might have on large companies such as the Bell Telephone which has a real responsibility. He felt that in this case, the area bordering a bilingual district might have a great influence.

Before proceeding to the next item, Mr. Savoie tabled the text of a speech made by the Hon. Hatfield to the Dominion of Canada English-Speaking Association in Fredericton on August 13, 1973. The Chairman asked that this text be duplicated and distributed to the members.

III - 8. Reporting of the Ottawa Citizen on the work of the Board

Referring to the article published in the Ottawa Citizen, Mrs. Raymond asked who had given the information which appeared to her quite damaging to the Board, particularly when no decision had been made with regard to Quebec. She added that some of the sentences found in this article she recognized as things that had been said during Board meetings. Mr. Mackey said it was not the first time that the Board had been misinterpreted but that he considered nevertheless that the matter was serious because of the effect it had on the public. He said he was convinced that premature publicity will make the work of the Board more difficult. Poursuivant cette idée, M. Savoie dit avoir eu la même réaction que Mme Raymond et M. Mackey et avoir trouvé l'article très déplaisant. Il lui semble que peut-être que pas de commentaires serait une devise recommandable pour les membres du Conseil et le Secrétariat. Dr. Hickman also felt that although in the early stages of the Board's inquiry some publicity or information might have been

welcome, the situation at this critical time of the Board's work was such that the least said the better.

In summary, the Chairman said that he knew Mr. Best, the author of the article, very well and he knew him to be very persistent in his interviews. He said that he had much sympathy for the staff who were systematically grilled by this reporter and had to fend him off and speak for the Board without giving critical information. He said, however, that he was not surprised to read this article by Mr. Best who seems to have adopted the Board as an essential item on his agenda and to have guessed many things.

Replying to the comments made by Mrs. Raymond and the other members, Mr. Morrison stated that he had purposely said to Mr. Best that no decision had been taken with regard to Quebec or any other area and that the assertions of Mr. Best were of his own making.

V - POSSIBLE FUTURE VISITS/MEETINGS

1. Report by Mr. Morrison on proposed meeting with the Nova Scotia Government

Mr. Morrison said he had not communicated with the officials of the Nova Scotia Government as he needed more information from Board members as to a suitable date and those who would be interested to participate. The Chairman invited comments from Board members including whether or not a visit should be entertained in view of the fact Mr. Comeau had already been met on a previous visit. M. Savoie croit qu'il serait très difficile, après les démarches déjà faites, de ne pas donner suite et annuler cette rencontre. Mlle Duckworth est d'accord et demande que l'Hon. Gillis, maintenant ministre d'éducation, soit aussi approché pour participer à cette rencontre.

M. Fox, M. Savoie, Mlle Duckworth, Mme Raymond, M. Lamontagne et les représentants du Secrétariat exprimaient le désir de participer à cette rencontre et, après discussion, le 19 octobre devient le premier choix et le 5 octobre le deuxième.

M. Savoie mentionnait la réunion de ACELF les 4, 5, 6 et 7 octobre et suggérait qu'au moins un représentant du Conseil participe à ces réunions.

2. Report by Chairman on arrangements for meeting with Ontario Government

The Chairman reported on the forthcoming meeting Ontario Provincial Government on Monday September 17, 1973.

Participating members were invited for lunch at the Park Plaza Hotel at 12:15 hrs. and later on, to the meeting at Queen's Park at 14:30 hrs. with the Hon. Welch, the Hon. Brunelle, Dr. Wright, Gen. Anderson and other officials.

3. Visits to Saskatchewan

As concerned the visit to Zenon Park and Arborfield in Saskatchewan, the Chairman informed the Board that Judge Monnin had offered to carry out this visit earlier in the month of August but because of the desire of some of the members to participate in the visit, and their inability to do so at that time, the visit in Saskatchewan had been postponed.

After some discussion, the following members indicated their intent to participate: Judge Monnin, Dr. Hickman, Mrs. Carrothers, Miss Duckworth, Dr. Lamontagne, Mrs. Raymond and the Chairman. The date selected for this visit is October 5, 1973.

4. Meetings with MPs

The Chairman invited the attention of the Board members to a listing of Members of Parliament prepared by the Secretary as a basis for planning future meetings.

After a long discussion, it was decided to group MPs by region and according to party and hold meetings in Ottawa. Meetings are to be arranged in the evening of November 8, 1973 for MPs from the Maritimes at 19:00 hrs. and 21:00 hrs. and with MPs from Ontario, in a separate meeting, at 21:00 hrs. on the same day.

Invitations are to be sent to all MPs in these provinces from the areas considered for bilingual districts.

As an aside to this question, it was also confirmed that the 14th general meeting would be held in Ottawa on November 9 and 10, 1973.

Returning to the question of meetings with MPs, a suitable date for meetings with Quebec MPs was referred to the 13th general meeting at La Sapinière to give members more time to consider, following the Quebec provisional decisions, those Members of Parliament who should be invited to meet with the Board. The question of inviting party leaders and of meeting with ministers was discussed at length but no decision was made. The Chairman had reservations as to the propriety of inviting ministers or party leaders except in their capacity as Members of Parliament for an area being considered for a bilingual district. A final decision was postponed.

17h30 la réunion est suspendue jusqu'au lendemain 9h.

9h samedi, le 15 septembre 1973

VI - PAPER ON APPROACH TO QUEBEC SITUATION BY MRS. RAYMOND
AND DR. MACKEY

Referring to his paper of July 3, 1973 which had been distributed to members in advance for study, Dr. Mackey suggested that it was essential that the Board arrive at a consensus on a policy to be adopted before studying specific cases. In their study, the Quebec members had considered three possibilities:

- (1) to consider the entire province as a bilingual district,
- (2) a unilingual French Quebec without bilingual districts, or
- (3) the adoption of a certain number of districts within the province

Considering only the numerical criterion would be tantamount to declaring most populated areas of Quebec bilingual districts. It was therefore suggested that non-numerical criteria be also considered to arrive at a more acceptable proposal. It remains necessary, however, to assure the Anglophone population that there is no discrimination, to reassure the Francophone population of positive changes and to avoid, as much as possible, a conflict with the provincial language policy.

It was therefore suggested that no bilingual district be recommended in the large centres, that the Board limit its recommendations for bilingual districts to traditionally recognized Anglophone areas such as the Estrie and North Shore and to further restrict these recommendations to areas where services are not now available in the English language. This approach therefore suggests a special status for the Montreal area which would parallel that given to other large centres. It was also recommended that French be made the language of work in Federal offices within Quebec. Finally, it is suggested the next Board be urged to review carefully the situation in the large centres.

It was the view of the Quebec members that the large cities should be dealt with under article 9(2) rather than that of 9(1).

The Chairman thanked Dr. Mackey and Mrs. Raymond for the document they had prepared and invited members to limit their first questions to those necessary for clarification of the position taken. The second paragraph of page 5 was

therefore corrected to read: "Il s'agit de procéder plutôt par approximations successives que par définitions globales."

Dans une première question sur l'essence même de la proposition de M. Mackey, le Père Regimbal a voulu savoir comment une telle proposition pouvait être justifiée. Selon Mme Raymond, il s'agit d'assurer la survivance du français au Québec. M. Mackey ajoute que la province est opposée catégoriquement à tout district bilingue et que M. Gendron s'est déclaré également sensible à toute recommandation qui viendrait à l'encontre de la politique provinciale.

Se reportant à la rencontre avec M. Gendron, M. Morency a souligné que ce dernier avait néanmoins jugé nécessaire pour le Conseil de bien déterminer là où les services bilingues étaient requis. M. Mackey est d'accord mais suggère qu'il faut trouver d'autres moyens que celui du district bilingue, soit avoir recours à l'article 9(2) puisque ces services ont toujours été disponibles au Québec dans les deux langues officielles.

M. Morrison ayant soulevé la crainte de certains groupes anglophones de voir ces services menacés par une nouvelle politique provinciale, M. Mackey insiste que les districts bilingues ne sont pas essentiels à cette assurance.

M. Morency croit qu'il est nécessaire pour la bonne administration de la Fonction publique de connaître où ces services sont requis selon l'enquête du Conseil et qu'il faudrait en faire état dans le rapport. Le Dr Mackey croit qu'il est possible de le faire sous l'article 9(2) mais ajoute n'avoir trouvé nulle part au Québec un endroit où les services n'étaient pas disponibles en anglais. C'est une situation de faits qui ne se retrouve ailleurs qu'au Québec. Il faut donc éviter les actions vexatoires.

Le Père Regimbal trouve difficile d'utiliser les propos de M. Smith à l'appui de cette proposition. M. Mackey répond que ceci est possible en autant que le Conseil sépare ses recommandations pour districts bilingues de celles visant à assurer les services. Le Père Regimbal croit que connaissant la réaction du Québec au rapport du premier Conseil recommandant la province entière comme district bilingue, une recommandation contraire n'en créant aucun ne serait pas moins susceptible d'une très forte réaction. C'est pourquoi, selon le Dr Mackey, les membres du Québec en sont venus à une troisième proposition recommandant quelques districts mais sur une échelle limitée.

M. Morrison souligne que la proposition met de l'avant la théorie des deux sociétés et accepte le principe que Québec n'est pas une province comme les autres.

Le Juge Monnin est tout à fait en désaccord avec cette théorie qui aurait pour effet de démolir la loi et le concept des districts bilingues. Il craint un fort ressac et la perte de toute crédibilité que pourrait avoir le rapport final. Le Dr Mackey rappelle que ces arguments sont ceux-là même qui ont poussé les membres du Québec à suggérer la troisième proposition. Mme Raymond ajoute qu'en dépit du fait qu'elle ne peut reconnaître un besoin de district bilingue dans le Québec pour la population anglophone, elle accepte la création de quelques districts pour équilibrer les besoins reconnus dans les autres provinces et démontrer par là que le Québec est partie intégrale du pays.

Reviewing the third option, Dr. Mackey contended that non-numerical as well as numerical criteria must be accepted and in particular that of need and desire. Others could be added such as isolation, population distribution, tradition etc. These factors are the reasons why the Board visited the minority concentration areas in order to acquire a better understanding of the local situation.

Mr. Morrison asked how the desire and need could be determined and proved. This might be a very subjective judgement. Dr. Mackey felt that even if the Board dropped the desire factor, the need could be more easily determined. Mrs. Raymond felt that subsequent Boards will be in a position to correct any deficiency.

Dr. Mackey mentioned that another criterion which had been rejected by the Board earlier was that of acquired rights. Judge Monnin, however, said that he, for one, had never agreed to ignore the acquired rights.

Tout en reconnaissant la valeur des critères non-numériques, le Père Regimbal croit qu'il faudrait ré-ouvrir toute l'étude et en tenir compte ailleurs qu'au Québec. M. Mackey, au contraire, est d'avis que ces critères non-numériques ont été appliqués inconsciemment dans les autres régions visitées.

Pour M. Lamontagne et M. Fox, ils croient que les critères non-numériques utilisés viennent à l'encontre de la proposition de ne pas faire de Montréal un district bilingue. Le désir et le besoin ont été soulignés par les groupes rencontrés dans cette région. M. Mackey croit que ce que la population de Montréal veut, c'est que les services en anglais continuent sans pour ce faire créer un district bilingue. Ils ont dit "leave well enough alone".

M. Hickman est d'avis que "leave well enough alone" s'applique tout autant dans les autres régions du pays que dans le Québec et la ville de Montréal. De fait, la même

expression a été utilisée nombre de fois. M. Monnin rappelle que l'opposition de la province de Québec diffère très peu de celle des autres provinces où les gouvernements provinciaux ont démontré une certaine réticence. Cependant, le Conseil se doit de recommander là où les services du gouvernement fédéral sont requis dans les deux langues officielles sans pour autant affecter la politique linguistique provinciale qui n'existe d'ailleurs pas dans le Québec.

Le Père Regimbal croit qu'il faut poursuivre l'étude du Québec en se penchant sur les cas spécifiques de chacune des régions à l'étude.

Reconnaissant des divergences d'opinions majeures, M. Savoie croit qu'il est essentiel d'affronter la question franchement et juge opportun pour chacun des membres de déclarer sa position personnelle. Pour sa part, il désire être en mesure de défendre les recommandations du Conseil qu'il aura acceptées et se trouve incapable de le faire vis-à-vis certaines propositions avancées. Entre autre, il se dit incapable d'accepter la proposition du français comme langue de travail au Québec non plus que l'anglais dans les autres provinces. Compte tenu des opinions personnelles déjà exprimées, M. Savoie déclare qu'il serait très utile que chacun des membres se situe à l'égard des propositions reçues. Il se dit lui-même aussi incapable d'accepter la proposition que la ville de Montréal soit totalement exclue des recommandations en tant que district bilingue. Il ne croit pas que la situation de Montréal avec 22% de minority anglophone et comptant presque un demi-million puisse se comparer à la population francophone de Toronto qui ne compte que 1.7% et quelques 37,000 personnes.

M. Lamontagne déclare impensable que le Conseil puisse ignorer la ville de Montréal, centre international et métropole du pays sans risquer de perdre toute crédibilité.

Coming back to the question of criteria, the Chairman submitted that the minimum criterion of 10% had not yet been ignored in other provinces and that, in addition, the Board had so far considered a number of non-numerical criteria. Dr. Hickman agreed that this had been the case, although possibly the non-numerical criteria had been limited in their scope.

Refaisant le bilan des opinions exprimées, le Père Regimbal demande s'il est nécessaire d'accepter ou de rejeter toute les propositions faites par les membres du Québec ou s'il ne serait pas possible de les évaluer une à une. La première proposition de ne créer aucun district bilingue dans la province de Québec il trouve quelque peu négative. Il qualifie de peut-être acceptable la deuxième recommandation de se borner autant que possible aux régions traditionnellement reconnues comme étant anglophones. Il croit pouvoir rattacher

la proposition du statut spécial pour la région de Montréal à la cinquième recommandation touchant les grandes villes. Il ne croit pas cependant que la recommandation de proposer l'utilisation du français comme langue de travail dans les bureaux fédéraux du Québec soit du ressort du Conseil.

Dr. Hickman asked Dr. Mackey to elaborate on the last sentence of the second recommendation as this might influence its acceptance. Similarly, Mr. Morency asked if it was possible to clarify the expression "traditionnellement". It could be said that wherever the 10% is found such a situation would exist. Also, the availability or degree of availability of services in the second language might call for a difficult judgement. Dr. Mackey said that in fact he had found very few places in the province of Quebec where services were not available in the English language.

Mr. Morrison pointed out that perhaps small concentrations are in greater need than the heavily populated areas.

Mrs. Carrothers felt that if the Board can accept that wherever the services are available in English there is no need for guarantees, then the Board might have to accept a number of other factors not yet considered.

The Chairman felt that the Board is bound to assist the Federal Government in advising where and how to provide bilingual services. Where these services are already available, perhaps the need of a bilingual district is not so acute. This approach could help justify the need of bilingual districts in the other provinces where guarantees are needed because services have not been provided traditionally.

M. Savoie exprima l'opinion que peut-être les membres voyaient dans la loi beaucoup plus qu'il y en a. Il est du ressort du Conseil de recommander les endroits où les besoins existent et pour le gouvernement de déterminer les degrés du besoin selon les circonstances. Il n'entretient aucun doute que des réactions plus ou moins violentes résulteront des recommandations du Conseil et que celui-ci doit les accepter.

Le Père Regimbal croit que des recommandations précises doivent être faites et qu'il s'agit plutôt d'ajouter à ces recommandations les nuances nécessaires selon l'endroit. Il ne croit pas judicieux de faire des déclarations de principe dans le rapport à l'égard du Québec en particulier.

Le Juge Monnin rappelle que dans le cas des autres provinces, les représentants ont fait leurs recommandations sur les endroits qu'ils jugeaient à propos de recommander

comme districts bilingues mais que ceci n'a pas été fait à l'égard du Québec et que le Conseil s'attarde trop longuement sur les questions de principe sans s'arrêter à des recommandations précises.

Mr. Fox agreed that specific recommendations were required but also considered the discussion on principles essential not only to justify the Board's recommendations but as a preparation to defend the Board's report when the time comes to do it.

M. Savoie dit reconnaître qu'il diffère personnellement d'opinion sur quelques propositions soumises mais qu'il est prêt à écouter les raisons justifiant chacune des recommandations et à les accepter si on peut le convaincre. Il ne veut surtout pas donner l'impression d'avoir pris des positions irréductibles.

Before passing to the next item on the agenda, the Chairman asked and received the approval of other Board members to the letter prepared for the Hon. C.M. Drury which will also be used as a guide for other letters to ministers and party leaders. It was agreed that letters would also be forwarded to Messrs. Lang, Richardson and Guay.

Coming to the memo prepared by Mr. Morency on the "enquiry's objectives", the Chairman invited comments from the members.

Mr. Morrison said that he had just read this memo and considered it somewhat unfair in its implications. Mrs. Carrothers, admitting that the document took the bull by the horns so to speak commented that these questions had to be taken in the socio-political context. Miss Duckworth said that the concept of the Board not having to be overly concerned with the specific application of articles 9(1) and 9(2) had interesting possibilities. Sans discuter les affirmations en détail, M. Savoie croit que le document était à propos quoi que quelque peu dépassé par la discussion en cours. Le Père Regimbal y trouve une observation judicieuse à savoir qu'il est nécessaire de préciser et ne pas prendre une situation pour acquis. Il juge très important que les fonctionnaires puissent donner suite aux recommandations.

VII - DATA ON FEDERAL SERVICES PROVIDED FROM WITHIN BILINGUAL DISTRICTS RECOMMENDED BY THE FIRST BOARD AND THOSE PROVIDED FROM THE OUTSIDE

The Chairman invited Mr. Morency to report on the progress made in compiling the information required by the Board.

Mr. Morency outlined briefly the work carried out to date and stated that this information would be made available

to Board members before the next meeting. He invited the members to read the explanatory notes prepared by Mrs. Campbell and Miss Desrosiers which outlined the work they have done on this project.

IX - REVIEW OF THE FIRST DRAFT OF THE BOARD'S REPORT

As there was insufficient time to discuss in detail the notes that he had prepared, the Chairman proposed postponing its study to the Val-David meeting. However, he invited the Board members to consider in particular the questions he had raised in his paper.

X - PROPOSAL RE DESIGN OF COVER FOR FINAL REPORT

Two independent firms had submitted cover designs for the final report which had been posted in the Board room for consideration. The members were invited to state their choice or suggestions for changes.

After a lengthy discussion, it was finally agreed to drop all elaborate designs and adopt a simple printing of a uniform colour background. The two firms will be requested to produce other sketches according to the wishes expressed by Board members.

VIII - REVIEW OF PROVISIONAL DECISIONS RE DISTRICTS

Using maps of each province, Mr. Cartwright made a review of the provisional decisions taken at previous meetings, including the statistical data used in justification.

Prince Edward Island

It was moved by Mr. Savoie and seconded by Dr. Lamontagne that the district of EGMONT consisting of lots or townships 1 to 17, inclusive, the towns of Alberton and Summerside, and the villages of Miminigash, Miscouche, O'Leary, St. Eleanor's, St. Louis, Tignish, Tyne Valley, Wellington and Wilmot in the census division of Prince, be recommended as a bilingual district.

Motion carried Ms. Duckworth abstaining. Nem.con.

New Brunswick

It was moved by Mr. Savoie and seconded by Mr. Monnin that the district of New Brunswick consisting of the entire province i.e. the federal electoral districts of Carleton-Charlotte,

Fundy-Royal, Gloucester, Madawaska-Victoria, Moncton, Northumberland-Miramichi, Restigouche, St-Jean-Lancaster, Westmorland-Kent and York-Sunbury, be recommended as a bilingual district.

Motion carried Ms. Duckworth abstaining. Nem.con.

Nova Scotia

It was moved by Mr. Monnin and seconded by Mr. Savoie that the district of DIGBY-YARMOUTH consisting of the census divisions of Digby and Yarmouth be recommended as a bilingual district.

Motion carried Ms. Duckworth abstaining. Nem.con.

It was moved by Mrs. Carrothers and seconded by Mr. Savoie that the district of ANTIGONISH-INVERNESS-RICHMOND consisting of the census divisions of Antigonish, Inverness and Richmond be recommended as a bilingual district.

At this point, Ms. Duckworth explained the reason for her abstentions as a question of principle. She had not yet decided whether or not a bilingual district was a good concept. In her mind, the alternative might be to ensure services in both official languages without declaring an area a bilingual district. As concerns the area of Antigonish, Inverness and Richmond, she had serious reservations on the inclusion of an area in Antigonish exceeding that of Pomquet and Tracadie. In particular, she felt the municipality of Antigonish was not important to the French population.

Mr. Savoie said that although he would not categorically insist on the inclusion of the English-speaking part of Antigonish, his opinion differed from that of Ms. Duckworth. He stated for instance the agreement of the Antigonishers to be included and, as a number of federal services are dispensed from Antigonish, he would favour the inclusion.

Ms. Duckworth retorted that federal services were also available in Port Hawkesbury. Because of the presence of the University in Antigonish, Dr. Lamontagne favoured the inclusion of the total county.

At this time, members discussed a question of procedure to clarify in their own minds the obligations and responsibilities relating to the votes taken formally.

The Chairman reviewed various methods of voting in the British parliament, the French National Assembly and elsewhere.

It was the view of the Chairman that members should indicate whether they were voting for or against a motion or abstaining from voting. He proposed that if a member did none of these three, it should be assumed that he/she was voting for the question. Since no one objected to these proposed methods, the Chairman assumed that the procedures outlined for voting were acceptable.

Dr. Hickman asked if, following the particular votes on areas to be recommended as districts, there would be an overall vote on the total report. He felt that although members might disagree and vote against motions, they should not at a later date divulge publicly the votes of particular members or their own. The latter is more or less what Ms. Duckworth would have wished as she would like to be able to say publicly that she had not herself voted for a particular district.

M. Savoie s'est opposé à cette ligne d'action qui pourrait devenir très désagréable et embarrassante. Par ailleurs, Mlle Duckworth se questionne sur la possibilité de défendre un rapport contenant des recommandations qui ne lui sont pas acceptables.

En raison des idées exprimées, Mlle Duckworth propose un amendement à savoir que la région de Antigonish-Inverness-Richmond soit altérée pour omettre cette partie d'Antigonish allant au delà de la région Pomquet-Tracadie et que le nom du district soit changé en conséquence.

Cette proposition n'ayant aucun second, l'amendement est défait.

La motion principale fut donc soumise au vote et approuvée Mlle Duckworth s'y opposant et le Dr Mackey s'abstenant.

Avant de passer aux autres recommandations, le Père Regimbal s'interroge sur la signification d'une abstention systématique en principe. De l'avis de quelques membres, une telle position serrait contraire au rôle même du Conseil.

Reflecting on agreements previously arrived at, e.g. the proposal to return to Mr. Cartwright's suggestion as to the possibility of using a two tier type district which was to be further discussed following the consultation with Mr. Smith, Ms. Duckworth felt the rules of the game had been changed. There was also the question of making provisional recommendations for Quebec before an overall review and final decisions were arrived at for the rest of the country.

The Chairman stated that his understanding from the advice received from Mr. Smith was that, according to the Act, specific bilingual districts had first to be recommended before other recommendations were made under article 9(2). In addition, he felt that the questions of principles had been discussed at length previously.

Mrs. Carrothers asked if the Chairman could recapitulate for her own benefit and possibly that of other members, the legal advice received from Mr. Smith, as he understood it.

The Chairman undertook to prepare a paper and forward it to the members before the next meeting.

The desirability of holding the next meeting at Val-David was then discussed. That meeting was finally decided upon with the proviso that discussions on questions of principles would appear first on the agenda, to be followed by discussion of provisional recommendations of bilingual districts in Quebec to be submitted by the Quebec members, and, a continuation of the final decisions for each province.

Judge Monnin stated that, for his part, he was not agreeable to further discussion on the principles involved but that he would be present for that part of the agenda which dealt with the provisional and final decisions.

Mr. Savoie also said that he was pressed for time and could not easily participate in the entire meeting. He added it would be rather difficult to include the review of the manuscript on the introduction unless it was made available ahead of time.

Mr. Fox agreed the text could not be prepared jointly and that he would have to submit a draft for consideration and corrections as the members saw fit. However, he did not feel he could prepare this text until certain points were cleared and this would have to be done at a subsequent meeting. He urged the members to read the paper he had submitted for their consideration and in particular the questions he had raised. He emphasized the importance of having all members attend the next meetings and hoped they would find it possible to endure the possible frustrations and demands on their time. He assured all members that the agenda would be drawn in such a way as to meet individual requirements and yet make it possible to accomplish the task at hand. Finally, he asked members to inform Mr. Morency of their time of arrival in Montreal for the meeting in Val-David, and for transportation to be arranged accordingly.

Mr. Savoie asked that a complete text of the meeting with Mr. Smith be prepared and forwarded to the members as soon as possible. Mr. Morency said it would be done.

Le Père Regimbal remercia les membres du Conseil pour le geste qu'ils avaient eu à son égard la veille.

La séance fut levée à 13h15.

CONFIDENTIAL

ANNEX "A" TO:
12th General Meeting

BILINGUAL DISTRICTS ADVISORY BOARD

Verbatim report of a Meeting with Mr. B. Smith of
the Department of Justice on various aspects of the
Act relating to interpretation and possible recom-
mendations.

12th General Meeting, September 14, 1973

- Chairman - I don't think I have to introduce Mr. Smith as he is an old friend of the Board. We appreciate his coming very much because since his last appearance, we have reverted to some of the questions that were raised at that time and we are badly in need of wise legal counsel. We have at least two excellent le- gists amongst our members, some amateur ones and some professional, but we need to have your reflexion, in particular, from the point of view on how you think our proposals may be interpreted in prac- tical facts. We thank you again for coming and we will not take too much of your time. I suggest that we conclude our discussion with you by 11:30.
- Mr. Smith - I am available for the rest of the morn- ing and furthermore, I don't know how much help I can be on some of these questions.
- Chairman - Let us take a shot at this timing of 11:30 as we have a great deal to accom- plish in our work in other respects and I would hope to terminate by 11:30. Neil Morrison sent you some papers touching on the problems on our mind and I suggest that we might simply use them as a guide and if the members have other points they wish to raise, this may be done afterwards. So let us look at the letter and point 1. "Would the Board be free to make recommendations for more than one kind of locality or is it confined to making recommendations

for the proclamation of bilingual districts per se?"

Mr. Smith - If I could speak of that now, I have reflected on this not only since receiving this letter but also as a result of what Neil mentioned to me previously and I suppose that the legal answer is that you have a mandate in the Act to do certain things and that relates to things called "bilingual districts" which have definite criteria and characteristics. I suppose my initial reaction is that perhaps this is largely a question of policy, even though I might give you a few observations I have on that. It occurs to me the Board ought to make sure it fulfils its obligation under the Act, in other words, if it makes recommendations envisaged by the Act in respect of the kind of thing that is called for, assuming that is done, it seems to me that it is somewhat a matter of policy and procedure as to whether you want to go beyond as a result of your considerations. My own personal feeling is that it is probably a valuable thing, provided it's not carried too far and provided that is very clear that it is what you are doing. You may simply say to the Government, we have done the job and here are a few gratuitous comments to help you do yours. I would think that perhaps in this respect, discretion might be the better part of valour, in a sense that it might be wise to take some soundings, say with the Secretary of State, before embarking on a too far reaching recommendation that goes beyond your mandate. That is, of course, up to you as is everything else that goes into your report. There may be points that concern the Government, I don't know, I am not privy to those considerations if there have been any. But I would suppose that the Secretary of State is the logical person to test it out on. I suppose one final reflexion is that the further you go beyond your mandate, and I don't say you're departing from your mandate, but going beyond your mandate, you

will have fulfilled your obligations according to the law. You have come perhaps into some contentious areas and you are as good if not better judges of that than I and perhaps even the Secretary of State. I suppose when you come to the stage of really questioning some of the concepts within the statute you are really saying in fact that the statute ought to be amended. And I suppose that you could come to the stage where you say that you doubt that the concept of the bilingual district itself is valid. I suppose this is all I can really say on that. I do say it is a policy question for you ultimately to decide because it will be your report and the only caveat is that you have to be sure that you fulfil your mandate under the Act. What you want to add, if you make clear your adding it, and the degree to which you do, seems to be within your discretion. However, the further you go, the more you may go into the realm of Government.

Mr. Fox - I think you have made this point very clear now.

M. Savoie - Est-ce que nous pouvons poser des questions au fur et à mesure que les explications sont données? Alors disons que sur ce point, moi j'ai une question précise qui a peut-être amené votre invitation ici, mais c'est précisément de savoir si nous faisons une recommandation qui est au-delà de ce qui est prévu dans la Loi, quelle est la valeur réelle de cette recommandation en terme d'application positive par après. Par exemple, je prends les deux cas de M. Cartwright ici sous lequel il avait été suggéré que nous puissions recommander des communautés bilingues, en plus des districts bilingues mais qui seraient autres choses définies par des critères qui ne sont pas dans la Loi. Il était aussi question de territoires bilingues qui seraient d'autres choses encore. A supposer que nous fassions une telle recommandation pour une communauté bilingue, qu'est-ce que ça vaut par après en fonction du gouvernement qui devra mettre en application nos recommandations.

M. Smith

- Je crois d'abord qu'il y a une question de la Loi. Est-ce prévu dans la Loi ce que vous allez recommander? Si ce n'est pas prévu, est-ce qu'on peut le faire en dehors de la Loi? C'est-à-dire si vous prévoyez dans votre rapport d'atteindre le service donné par un ministère du gouvernement fédéral dans un territoire qui n'est pas désigné comme district bilingue. Il se peut très bien que ces services-là puissent être donnés facilement dans le cadre des conditions normales d'un ministère. Ca revient à une question de politique interne du gouvernement s'il veut le faire ou non. Ce n'est plus une question d'obligation. La première question est de savoir s'il y a le pouvoir et je crois que dans la plupart des cas le pouvoir est certainement là. Il s'agirait à ce moment-là des pouvoirs des ministères et des pouvoirs du gouvernement fédéral selon les autres statuts qui donnent aux ministères certaines obligations et responsabilités. Reste à savoir si une telle recommandation serait bienvenue de la part du gouvernement. Ca c'est une question beaucoup plus difficile. Evidemment, le gouvernement a beaucoup d'autres soucis quant à ses services et aux services dits bilingues, les services dans les deux langues officielles, du côté de l'efficacité, disons, des fonctionnaires et du côté du budget. Donc, si vous allez au-delà de votre devoir ou de vos obligations selon la Loi sur les Langues officielles et vous recommandez que le gouvernement fasse certaines démarches, disons, au-delà de ses responsabilités selon la Loi, vous entrez, au fur et à mesure que vos recommandations s'engagent dans la politique gouvernementale. Ce serait très difficile à dire si le gouvernement va suivre la recommandation ou non, c'est une question de politique, c'est une question que le gouvernement...c'est une question, disons, de "credibility" du Conseil.

- M. Savoie - Je vais continuer, peut-être, je voudrais reprendre cette question-là. Disons que ma préoccupation, moi, est de savoir quelle sera la réaction du gouvernement, du Secrétariat d'Etat, peu importe qui est concerné, en face de nos recommandations en rapport avec le Conseil, le mandat du Conseil et la Loi qui nous régit. Maintenant, je prends un exemple concret parce que c'est encore plus facile. Prenons le cas de Labrador Ouest qui est un cas qui rencontre tout juste les critères prévus par la Loi, pour rendre possible la création d'un district bilingue. Il y a le 10%, le territoire est défini selon la Loi, on a fait les consultations voulues et on peut, si on veut, recommander un district bilingue, mais c'est quand même un cas douteux, il y a 10.2% ou 10.5% ou quelque chose comme ça. A supposer qu'on dise "Bien, écoutez un peu, parce que c'est douteux, parce que c'est pas sûr ce qui va arriver, eh! bien, on va recommander que ça devienne une communauté bilingue. Voyez-vous, communauté bilingue n'est pas prévue dans la Loi et n'a pas été envisagée par le Parlement et ainsi de suite. Quelle sera la réaction du gouvernement devant une telle recommandation venant de notre Conseil?
- M. Smith - Disons ceci, je ne peux pas parler au nom du gouvernement, même en ce domaine, et je n'ai pas affaire directement avec la politique du Secrétariat d'Etat, vous aurez donc simplement ma réaction. Il y a ceci d'abord, si vous n'essayez pas de créer par un nom différent quelque chose qui est un district bilingue en réalité, si vous dites, par exemple, que le gouvernement doit étendre et doit utiliser l'article 9(2), par exemple, dans un territoire donné que vous avez décidé ne mérite pas d'être créé un district bilingue, alors c'est une recommandation dans un sens en dehors de votre mandat, mais ça me semble que le gouvernement peut le considérer si le gouvernement a les moyens de remplir les obligations que vous considérez il doit avoir.

Si vous essayez de créer une nouvelle sorte de district bilingue qui n'est pas prévu par la Loi, il y a des questions à ce moment-là. Ce que vous avez, ce n'est rien qui est connu dans la Loi. C'est simplement quelque chose que vous avez collectivement élaboré et ça me semble beaucoup plus facile peut-être, du point de vue de vos recommandations, ce serait beaucoup plus acceptable, si vous n'essayez pas de créer de nouveaux concepts mais plutôt d'utiliser des concepts dans la Loi et la Loi, je crois, est aussi assez flexible pour admettre ce que vous voulez faire sur le plan pratique. Ça me semble, et c'est mon opinion personnelle que si vous vous lancez dans la voie de créer de nouveaux concepts, actuellement non prévus dans la Loi, ça va peut-être créer des problèmes. Si je peux ajouter, il me semble qu'il vous serait possible de considérer, de recommander au gouvernement qu'il considère l'amendement de la Loi pour créer des territoires qui ne sont pas des districts bilingues mais qui répondraient à d'autres critères. Ça c'est possible aussi.

Miss Duckworth- You suggested that it might be one of the more acceptable suggestions according to our mandate to stress certain areas where 9(2) can be applied, is that right?

Mr. Smith - What I was really saying is this. It seems to me that if you are going to go beyond your mandate is a matter of policy for you to decide and how far you go, beyond your mandate, of course, the more you potentially expose yourself to criticism. If you are going beyond your mandate and you want to say "well instead, in a particular district which we have examined, we might want to recommend a bilingual district but, for various reasons, we don't think it should be created a bilingual district. We do, however, think that services should be provided in that district using section 9(2)". What I was trying to say is that if you say, instead, we think this should be created some sort of bilingual community you have a concept which is not known in the law and I think that reaction will be "what are they doing?".

Miss Duckworth- What you are saying is that if we do not think a bilingual district should be created but we do think services should be provided, you believe this would be more acceptable.

Mr. Smith - Yes, I think that would be more acceptable than bringing in a new concept which is not in the law although it did occur to me, after mature reflexion, if you want to say to the Government in your report "we think there ought to be something other than bilingual districts that might be called community districts, that would be something else again. But to create that for the purposes of your report and categorize things, again it is my personal reflexion that perhaps you are going further than the mandate.

Chairman - There are several people who would want to speak, Dr. Lamontagne were you on this point?

Mr. Lamontagne- Yes.

Chairman - Well, this is fine, then Dr. Mackey then Col. Morency.

Mr. Smith - May I carry on with this point of view before we go further? You appreciate that the Government in Council is not obliged to accept what you recommend. What I am getting at is that whether you recommend or do not recommend will not ultimately necessarily determine whether it will be created a bilingual district or not.

Chairman - It is engraved in our hearts that we are fulfilling an advisory role. Dr. Lamontagne.

M. Lamontagne- Ma question va justement porter sur la section 9(2). Comment pourrions-nous rattacher la recommandation de quelque chose qu'on appellera X sous la section 9(2)? Parce qu'il y a quand même dans la Loi, cette section qui existe. On peut recommander, appelons-le territoire, communauté, ou toute autre chose, mais il faudra l'appeler quelque chose, alors, si

on ne peut pas l'appeler communauté, qu'est-ce qu'on peut dire? C'est notre intention de recommander que dans une certaine région, le gouvernement fédéral devrait essayer d'assurer les services, qu'il y a une demande suffisante.

- M. Smith - Si un problème particulier que vous avez découvert pendant votre enquête il est très bien de le signaler. S'il y a, par exemple, parmi les ministères un qui a un grand bureau dans un territoire donné, et les autres n'ont que de petits bureaux ou n'en ont pas, alors peut-être qu'il faut signaler que dans ce territoire il y a un bureau, disons le Ministère de l'Immigration, qui a beaucoup de travail à faire et qui traite avec les gens du territoire qui sont de la langue française et qu'il est considéré que ce serait une bonne chose que le gouvernement assure les services du gouvernement dans les deux langues. Mais nous ne parlons pas maintenant de la Loi. Vous voyez, je vous donne des réflexions à titre personnel et là nous parlons de questions essentiellement politiques. C'est en dehors de votre mandat, mais ça se rattache au travail que vous avez fait. Alors tout ce que j'ai voulu dire c'est que ça me semblait plus acceptable si vous ne créez pas de nouveaux concepts dans votre rapport, sauf peut-être à un moment donné, de signaler qu'il y a lieu de considérer peut-être la création d'un nouveau concept pour répondre à ce genre de travail que vous avez signalé ailleurs dans votre rapport.
- Chairman - May I suggest that we come back to 9(2). I think there is so much to say about this section that we should stick to it and clean the air. We have to determine the extent to which we may make use of it.
- Mr. Mackey - I have two general questions. Short ones. The first one is this, "Who is responsible for interpreting these sections of the Act under which we function?"
- Mr. Smith - Well, I suppose that ultimately you yourselves are responsible. I find myself called upon to give you legal advice which you may or may not require but I don't know who else is is going to help you.

- Mr. Mackey - In other words we can interpret the meaning of the sections of the Act under which we function.
- Mr. Smith - You must, in order to prepare your report. But that does not mean that your interpretation is going to be accepted. But you obviously have to make one, otherwise you could not prepare your report.
- Mr. Mackey - Now, my second question, and I will make it short too, "can we state that in such and such a case this or that section applies?"
- Mr. Smith - Well, you can state that it appears to be applicable and I will make this additional remark if I may, which comes out of the papers which I have received, I don't see how you can say to Departments how to carry out their responsibility under section 9. That is perhaps a distinction that is very important. But it would appear to me, and I suggest as I said about 9(2) a moment ago, there are means under the Act to do certain things which would appear to be required where a bilingual district is not recommended.
- M. Savoie - Suite à la même question. Pour faire suite à ce que M. Mackey disait que supposant que nous faisons une certaine interprétation de tel ou tel article de la Loi et que notre interprétation soit fausse sur le plan juridique et que nous envoyions ces recommandations là-bas, je présume que le Ministère d'Etat va s'adresser à vous ou à ses conseillers juridiques pour avoir une interprétation. Alors quelle sera la réponse à ce moment-là?
- M. Smith - J'espère qu'ils vont venir me consulter et j'espère que j'aurai la même réponse que je vous donne maintenant. Je ne peux pas parler au nom de mon sous-ministre et j'espère que si ça arrive là il me donnera son appui. Alors on ne peut pas garantir que ça sera la même interprétation mais je crois que dans la plupart des cas il n'y aura aucun problème.

- M. Savoie - Ca revient à dire ceci, c'est que le Conseil doit s'efforcer, en interprétant les articles de la Loi, d'y placer la meilleure coloration juridique que possible sans quoi on risque de faire fausse route et de faire rejeter nos recommandations sur ce plan-là.
- M. Morency - Au risque de défendre le document que j'avais préparé sur ce sujet, vous mentionnez que le terme "communauté" n'est pas déjà reconnu dans la Loi. Par ailleurs, si le Conseil disait avoir reconnu, dans certaines régions, un besoin qui n'atteint peut-être pas tout à fait le degré de nécessité du district bilingue tel que conçu, ou qui même, dans certains cas, l'atteint avec certains doutes sur sa viabilité et que l'on ne veuille pas en faire un district qui sera perpétué inutilement, à ce moment-là, si on a recours à la section 9(2), disant nous reconnaissons ces régions appelées communautés ou autres choses du genre, après avoir expliqué le concept, il se peut fort bien que dans ces régions-là le Conseil recommande que les services soient donnés sous l'article 9(2) comme étant quelque chose de valable, dans les circonstances. Maintenant si c'est fait à l'égard d'une région qui compte déjà le 10% et qui est déjà en deça de la Loi, ce sera sûrement plus valable que si c'était fait à l'égard d'une région que ne compterait que 7% ou 8% de la population minoritaire. Est-ce que cette conception-là est acceptable?
- M. Smith - Je ne peux pas dire que c'est acceptable ou pas acceptable. Tout ce que je voulais souligner c'est que je ne crois pas personnellement que ce serait une bonne chose pour le Conseil de créer, n'est-ce pas, dans le cadre de son rapport, des concepts autres qu'un district bilingue. C'est que ça me semble possible, si le Conseil veut le faire, et en prend la responsabilité, et à ce propos, c'est oui, de dire "voici un territoire qu'on a considéré pour devenir district bilingue,

mais on ne voulait pas faire cette recommandation à cause de certains facteurs, mais nous soulignons que là il y a un besoin que le gouvernement et les ministères concernés doivent considérer en fonction de leurs pouvoirs et responsabilités d'appliquer la section 9(2). Il y a des nuances il me semble, dans la manière que vous approchez votre problème et je ne dis pas que vous ne pouvez pas recommander d'utiliser le concept de territoires bilingues ou communautés bilingues. Je vous dis tout simplement que ma réaction c'est que c'est inconnu dans la Loi et votre mandat est étroitement lié à cette Loi et donc, ça va poser des questions dans la pensée des gens qui reçoivent ce rapport. Donc, il me semble que si vous allez au-delà de votre mandat, il vaut mieux que vous n'alliez pas trop loin et de ne pas créer de nouveaux concepts et de plutôt utiliser ceux qui sont dans la Loi.

- Mr. Morrison - Subsequent to what you said about mandate. Section 15(1) says what the Board should do and it says "to submit a report setting its recommendations, if any". How do you interpret findings and conclusions and ~~when~~ do you know if you're going beyond the mandate, strictly speaking?.
- Mr. Smith - You can, and this in fact is what I'm saying. You conduct an inquiry and you find out a lot of facts, and your object is to make recommendations with respect to the bilingual districts and you say "well, this area does not correspond to what we think a bilingual district should be, notwithstanding the 10%, but, there is an area which merits some other considerations.
- Mr. Morrison - So findings and conclusions are modified by a recommendation for a bilingual district and these two things are tied.
- Mr. Smith - It seems to me, yes, obviously the purpose of the Board is not to make recommendations in the abstract but the purpose of making recommendations to the Federal Government with respect to bilingual districts. Now, things that relate to bilingual districts,

of course, are things that are opened to you, of course, and go beyond the actual recommendations territory wise. You can say we have examined territory Z and here is what we found. You may want to go even further than that and say well, looking at this thing we found that really the concept of bilingual district is maybe a little bit too rigid. And possibly, some consideration should be given to it. Maybe you want to say that the concept of bilingual district is too rigid and difficult to apply. You may want to say that many of these small districts in Manitoba are not going to be equal to those that you could find in Montreal and, does it make any sense? And this might be something that, it appears to me, you would want to underline.

Chairman - I think there are other questions perhaps Judge Monnin.

Juge Monnin - Non, ma question a été répondue

Chairman - Then Dr. Mackey.

M. Savoie - Si vous permettez, la question que je voudrais qu'on considère un peu plus, c'est le résultat pour une région donnée d'être désignée district bilingue ou bien d'avoir une sorte de recommandation vague au gouvernement de s'en occuper de façon spéciale. Je trouve que lorsque nous recommandons un district bilingue et que la recommandation est acceptée, si cette région-là devient district bilingue, la Loi spécifie très clairement les obligations du gouvernement fédéral et ça donne une série de bénéfices concrets. Si on fait une recommandation générale de s'occuper de cette région-là, parce qu'il y a 10% ou le 9.5% ou 11.2% et qu'on voudrait que le gouvernement s'en occupe, eh! bien, on tombe évidemment sous l'article 9(2), on en discutera tout à l'heure, mais moi j'ai beaucoup moins confiance que M. Spicer et d'autres personnes dans les vertues de l'article 9(2), mais en réalité je trouve qu'on n'accomplit pas beaucoup pour la minorité officielle de cette région que le Parlement voulait protéger en définitive.

Je crois qu'il est bon de s'attarder quelque peu sur ce point-là, quel sera le résultat ultime de l'une ou l'autre recommandation.

- M. Smith - Je suis complètement d'accord que selon 9(1) il y a certains droits qui découlent de la création d'un district bilingue. Je suis d'accord aussi que 9(2) est plutôt vague. Mais si vous considérez ce qui va être donné, ce sont les services du gouvernement fédéral. Si vous créez un district bilingue quelque part en Saskatchewan où le seul bureau principal est un bureau de poste, sur le point pratique, il y a certains droits qui découlent de ce district bilingue. Je peux entrer dans ce bureau de poste et je peux me faire servir, n'est-ce-pas, soit en anglais, soit en français. Si je ne suis pas servi dans la langue de mon choix, je peux déposer une plainte auprès du Commissaire aux Langues officielles. Tandis que si j'entre dans le bureau de poste de Toronto, peut-être que je ne peux pas, ou plutôt je peux déposer ma plainte, mais il se peut aussi que ceci ne donne pas suite. Cependant, dans mon optique; les services donnés à Toronto dans l'aéroport, dans le bureau de poste, dans les deux langues officielles est beaucoup plus important sur le plan global parce que ça touche une population plus considérable et je dois dire que les sanctions qui semblent exister après la création de districts bilingues selon 9(1), peuvent être quelque peu éphémères dans le sens qu'on n'a pas l'occasion d'utiliser ces sanctions. Tandis que, à Toronto ou à Vancouver, nonobstant que ce n'est pas un district bilingue, il y a des gens qui vont déposer des plaintes auprès du Commissaire aux Langues officielles et je sais que le Commissaire actuel va les poursuivre nonobstant que ce n'est pas un district bilingue. Alors ceci me semble sur le plan pratique, ce qui est d'opinion personnelle, beaucoup plus important, et ça me semble plus directement lié aux services qui sont donnés dans les districts bilingues selon 9(1).
- M. Morency - Dans ce que vous dites en dernier lieu, il n'y aurait aucune alternative et l'obligation serait là pour le gouvernement qui aurait accepté la recommandation pour un district bilingue. Dans le cas de 9(2), ça devient

facultatif jusqu'à ce que le gouvernement ait reconnu cette recommandation et ait donné des directives aux ministères. C'est toujours une possibilité, même dans le cas des districts bilingues, sous 9(1), puisqu'ils peuvent aussi rejeter la recommandation et à ce moment-là elle n'aura plus aucune valeur, mais de la même façon, 9(2), lorsqu'on dirait qu'il y a lieu de donner des services, si le gouvernement l'accepte, il peut donner des directives à la Fonction publique que dans certains cas ça sera considéré une demande suffisante et on verra à donner les services.

M. Smith - L'obligation est là quand même si les conditions sont remplies.

Chairman - Mr. Cartwright.

Mr. Cartwright- I would like to make one or two general points. But what I was going to ask has already been partially answered by what you said to other questions. But I think there is perhaps a difference, just for my own edification, as a discipline which applies to a social scientist, I think that in my interpretation about what the Board has been doing is that, I am not prepared to assume at the outset that the law, having been passed, could be applied equitably. In other words, it was a decision given in one's work from there. I am wondering if the Government would accept the recommendation from the Board, having investigated the feasibility of applying the law and finding that indeed in some areas if this law is applied it would reinforce a trend, but in other areas it might be destructive, and if the decision makers look at this and say, well here is a body that has tried to take a law that we have passed and applied it and has found it wanting, that perhaps we were not fully aware of the realities across Canada in formulating this law and indeed it does need some flexibility. How possibly would the decision makers envisage this possibility?

Mr. Smith - Well this is my problem, you see, we are dealing here in an area of policy and I can't give you the answer to that, but I can say what my reaction is. My reaction, and I have had something to do with this legislation for quite a long time now, I am delighted when somebody comes along and makes that kind of suggestion. Because those are the kind of reflexions that I try to make from time to time and I can't always reach someone's ears. But I can't say to you and advise you to go out and change the law. May I take a moment and make the genesis of 9(2). I don't purport to tell you what 9(2) means. Because, Judge Monnin will correct me I am sure, I cannot say what positively was intended by 9(2) but I know where 9(2) came from, very well. Perhaps for that reason, I look at it perhaps with more favor than other people. Given these two qualifications, when the Act was drafted and thrown out for the views of the provinces in 1968, you may recall there were some howls and screams and in 1969 there was a conference, a constitutional conference, and a number of problems were raised by the provinces. At that time, the Government undertook, (and please don't write too much on this), and decided to see what they could do to fix it up. Now, off the record, and I think the Government was quite clear at the time, they were afraid of a constitutional challenge to the legislation. So the Minister of Justice went to the provinces in the West to discuss with the Attorney Generals who said "listen, we cannot apply this in our courts and so on", and we were advised by the people who had to do this on the ground of some of the problems of which we had not been advised of and this happens with any legislation. In any event, we proposed certain changes which seem to be acceptable to keep these Attorney Generals out of court and we also visited the Maritimes and visited the provinces and the last visit we made was with Mr. Bertrand in Quebec City and he had two or three points to make although these were not necessarily the same as the ones made by the Western Provinces. One of the points he had to make was about the bilingual districts. And he said "you know you are just creating

ghettos" and he did not like the concept. However, the Government was not prepared at that point to abandon the concept, but we did listen to his point that what was far more important were the large minorities in the cities of Canada where you have a moving population and where people are drifting in from the country to Toronto, Ottawa, Vancouver, and you had large minority populations that could fill the criteria established for bilingual districts, but he said "look, those are the important people and those are the people that you want to reach", and, coming back on the plane, I sat and started to scribble and I did not do it in these precise words but those are the results. And that is why I advised the Advisory Board to pay attention to 9(2). I say that to you, but you see we were looking for a way to open up the rather rigid concept of the bilingual districts and what you are now saying is that it does not always match, it does not always work. My answer to that is that as far as the Legislation is in question, that section was intended to open it up and while I can't say what Parliament's intention was, I know the Government's general view is that services should be provided under as broad a basis as possible. There are of course some practical problems which cannot be cured overnight, which look fine to me. This was to leave it open and not to create ghettos but to really leave open the the possibility that ultimately the services would be available country-wide and I felt that, and this is my personal opinion, 9(2) will ultimately take over and will become the criterion. Now I don't always agree with the Commissioner of Official languages but I know that he is also adopting this view and so I just say that in way off background which has nothin to do with the actual interpretation of what it says or what Parliament is said to have intended but certainly it was the Government's intention to open up and get away from the rigid concept of bilingual districts and say that where you can't find a bilingual district there will be other ways of doing this and in particular where there are large population concentrations.

Mr. Cartwright - But the idea, it seems to me, of communities is that where you could not possibly find a bilingual district if you work within the framework of the law, where there is a minimum of 10%, but you can turn 9(2) unto itself and say the creation of boundaries might have the opposite effect from what the law was designed for and therefore we will not establish a boundary but we will apply 9(2). You see, I think, it disturbs me a little bit firstly to say that going beyond the mandate leaves the Board open for criticism and it seems to me going beyond the mandate points out where the law is not universally acceptable, and where the law has weaknesses.

Chairman - May I just interpret what I think was just said and tell me if I'm wrong. I think Mr. Smith's point, and it is very clear, is that if we stick to the law creating bilingual districts, there is no problem. If we wish to make additional recommendations under 9(2), there is not much of a problem in terms of our legal powers to do so, but it may have less effect. But, I think he's also saying, is that whilst we are free to make additional recommendations under any subject under the sun, we then get into the problem of Government policy and finally, if we are to change the nature of our mandate by creating a new framework of reference without fulfilling the mandate of declaring any district, that is the worst of all possibilities. Because we have no legal basis for writing a report on the basis of a notion of bilingual districts, communities, territories. Am I correct?

- Mr. Smith - Yes, this is essentially what I'm saying.
- Mr. Cartwright - I accept that, but essentially I am wondering how receptive you are to the recommendation of applying 9(2) by itself and suggesting perhaps a new concept.
- Mr. Smith - I personally do not have very much faith. I am concerned about the concept of the bilingual districts per se. I am also much more concerned about extending services country-wide where required. In a sense, my own personal view is I am delighted when I see somebody saying "well we shouldn't be creating bilingual districts, we should instead extend the services". I know this is not what the law says nor what the Government policy is, but this is my own personal view.
- Chairman - Miss Duckworth.
- Miss Duckworth - One of the main features of bilingual districts as opposed to article 9(2) is the obligation that is imposed. If we are to take advantage of the flexibility of 9(2), are we giving up the obligation attached to 9(1)?
- Mr. Smith - That is also an obligation in 9(2).
- Miss Duckworth - Yes, there is an obligation which probably is the demand.
- Mr. Smith - What I was going to say is there is no sanction in this law, except the Commissioner of Official languages, for either 9(1) or 9(2) and therefore what does it really mean if you have a Commissioner of Official languages that is going to entertain complaints in areas outside of bilingual districts, as I think the present one will. You probably are going to serve exactly the same purpose. And my point, a moment ago, is how many complaints are you going to get out of a post office somewhere in Saskatchewan and how many complaints are you going to get out of the National Revenue office in Toronto? I would be inclined to think that the Toronto office is going to receive many more complaints in the long run if people are aware that services ought to be provided.

- Chairman - I think we have several people who want to ask questions. Father Regimbal.
- Father Regimbal- On parle beaucoup de l'intention du législateur dans la formulation de cette Loi. et puis, on semble par ailleurs avoir beaucoup de réserves à l'endroit de l'utilisation de l'intention de la Loi dans la formulation des recommandations. Alors la question que je voulais poser est de savoir, tout en étant très conscient de ce rôle très auxiliaire que nous avons, doit-on laisser à la bonne volonté du gouvernement toute la responsabilité de la décision à l'endroit de l'interprétation des intentions de la Loi ou serait-il recommandable de tâcher d'intégrer dans la formulation de nos recommandations une interprétation de l'intention de la Loi?
- Mr. Smith - C'est assez difficile de répondre à cette question en dehors d'un cadre pratique. On vient de discuter la possibilité d'aller au-delà de votre mandat et la manière de le faire et les circonstances. Ce que j'ai voulu dire c'est que moi je ne peux pas donner ou de vous expliquer ce que le Parlement voulait en dehors de la Loi. Je peux avoir mes propres idées, mais ce n'est pas mon rôle de vous donner mes propres idées mais c'est plutôt d'interpréter la Loi, et au fur et à mesure que vous allez au-delà de votre mandat, vous allez dans le domaine essentiellement politique et essentiellement de la ligne de conduite du gouvernement. Donc c'est une question pour vous, est-ce qu'on va trop loin, est-ce que nos recommandations, étant donné que vous faites votre rapport sur les districts bilingues, votre mandat est rempli dans ce sens-là, ou bien combien vous devez aller au-delà du mandat, c'est une question très délicate dans le sens que si vous allez trop loin, ça se peut que votre rapport ne sera pas pris très au sérieux.
- M. Regimbal - Si vous permettez, M. le Président, je voudrais reprendre ma question. Au-delà du mandat, cette idée-là n'est pas très claire, pour la simple raison que dans notre mandat il y a tout de même 9(2) et 9(2) a aussi une fonction pratique.

M. Smith

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M. Monnin

- M. le Président, il ne faut pas oublier quel est notre mandat et que nous ne sommes pas des législateurs, nous ne sommes pas des innovateurs, nous ne sommes pas des politiciens qui avons des politiques gouvernementales à élaborer ou à prendre. Nous sommes un Conseil consultatif dont les fonctions sont très précises. Il soumettra, regardez 15(1), c'est tout votre mandat. Il soumettra au Gouverneur en Conseil un rapport énonçant ses conclusions, ses constatations et notamment, le cas échéant, les recommandations relatives à la création de districts bilingues. Tout est attaché à district bilingue, ou à la modification des limites des districts

bilingues, mais nous ne sommes pas rendus là, nous n'avons même pas créé les premiers. Alors notre mandat est très simple, que nous l'appliquions et que nous regardions à 9(1) et 9(2) ça va, mais enfin 9(2) c'est au département et aux agences du gouvernement fédéral de le mettre en force. 9(2) dépend du Ministère, du département de mettre en force. Pour nous, il s'agit de délimiter et plus nous allons aller et nous éloigner de ce qu'on nous demande de faire, moins nous serons crédibles, moins nous aurons de valeur au point de vue du public, plus nous aurons l'air ridicule et plus nous mériterons peut-être que le deuxième rapport ait le même sort que le premier. Alors il faut faire bien attention de ne pas se donner un cadre qui ne nous appartient pas du tout.

- Chairman - Mon Père, est-ce que vous avez autre chose?
- Père Regimbal - Justement, est-ce que le Conseil est lié à ce point de vue, je voudrais le savoir?
- M. Smith - Sur le sens, quand j'ai commencé à expliquer, j'espère que j'ai été assez clair là-dessus, vous avez un mandat dans 15(1) comme vient de dire M. le Juge Monnin, il faut le remplir et ça c'est votre mandat. Vous avez d'autres constatations qui viennent de vos études, n'est-ce-pas, en remplissant votre mandat. Alors, c'est une question essentiellement pour le Conseil si vous voulez aller au-delà des recommandations absolument nécessaires au 15(1) et je suis complètement d'accord avec ce que vient de dire M. le Juge. C'est que plus vous allez au-delà de votre mandat, plus vous aurez un problème de crédibilité. Alors, c'est un choix assez difficile et la raison pour laquelle je veux suggérer de ne pas essayer de créer de nouveaux concepts dans votre rapport, qui n'existent pas dans la Loi. A mon avis, vous devriez les éviter, à moins que, à un moment donné, vous vous dites "voici selon notre rapport et selon ce que nous avons constaté, il y a lieu à considérer l'élaboration de nouveaux concepts tels que, peut-être, ceci et cela. Mais c'est au Conseil à décider s'il veut aller aussi loin que ça.

- Chairman - Mme Raymond.
- Mme Raymond - Ma question, M. Smith, est la suivante. Comment appliquer avec égalité une Loi à une situation qui est inégale, pour la rendre égale?
- M. Smith - Vous parlez de quelles circonstances?
- Mme Raymond - Je parle de la situation du Canada.
- M. Smith - Ecoutez, ce n'est pas une question juridique. Je crois que je vais laisser tomber cette question-là.
- Mr. Hickman - When you suggested that we should stay within the law, I think I can see how we could interpret 9(2) to cover the Toronto situation but what about the situation that when we say that there is 10% of the minority in a small region or large? We think we have arguments to recommend that it not be included in the bilingual districts. We are already beyond our mandate if we don't include it? Or may we include it under 9(2) without giving it a title since you said that we should not call it something?
- Mr. Smith - I think I suggested quite strongly that you should not give it a name but it is up to you if you do. All I was saying is this. First of all, fulfil your mandate, make your recommendations, make sure you do that, do what you are required to do by the law and, beyond that, you may have certain things that you want to say which you probably can properly say, since you have done this and that and examined the situation. There are other ways than a direct way, perhaps in getting a point across that you want to make. For example, I am not suggesting that you say 9(2) should be used in any particular circumstances. That is an obligation under both 9(1) and 9(2) for the departments of the Government and agencies, not even of the Government itself, but of the departments who have the responsibility and answer for their own sins.
- Mr. Hickman - All we could do would be to recommend that the people in those areas be given the services.



Mr. Smith

- Well, you might want to say that, but you may also want to say "we examined such and such territory and found that it has 16% of the minority people there. But for the following reasons, we felt it should not be created a bilingual district". The mere fact of including that consideration in your report might well cause the Government to say well we should provide services there. And its inclusion in your report in this fashion may well be cause to think. You may want to go beyond that and say "well, we think that the Government might well consider giving its services to the population by the various departments giving services there" and that may be possible too. You may want to take a step further and speculate on this possibility and say "we think that this is the kind of situation which the Government may want to consider and view it as another creature that we would call bilingual community". There is a whole spectrum of possibilities and the farther you go along in this spectrum, the more it seems to me you have to be careful. And this is perhaps the reason for my suggestion that when you get to the delicate matter of deciding exactly how far you want to go, maybe it would be a good idea to test with the Secretary of State so that you do not get into serious policy considerations. Because you're saying in effect you should amend the law to achieve this sort of thing. Did I make myself clear as we seem to be in fact saying the same thing but you seem to say in fact that the Act is binding in and that the framework is not necessarily suitable. All I can say as a matter of law, is that the framework is there, and you are required to make a report within that framework. The extent you want to go beyond that framework, having fulfilled your mandate, is a policy and there are these other factors which I suggest as personal views, as to how you might go about it and how you might be getting into some difficult waters, because I recognize that most boards and people, like the Commissioner of Official languages, who write reports, have a background of knowledge and want to say things about and beyond their mandate they think can be useful. But you do have a fairly technical mandate to fulfil. The degree to which you want to enter into the realms

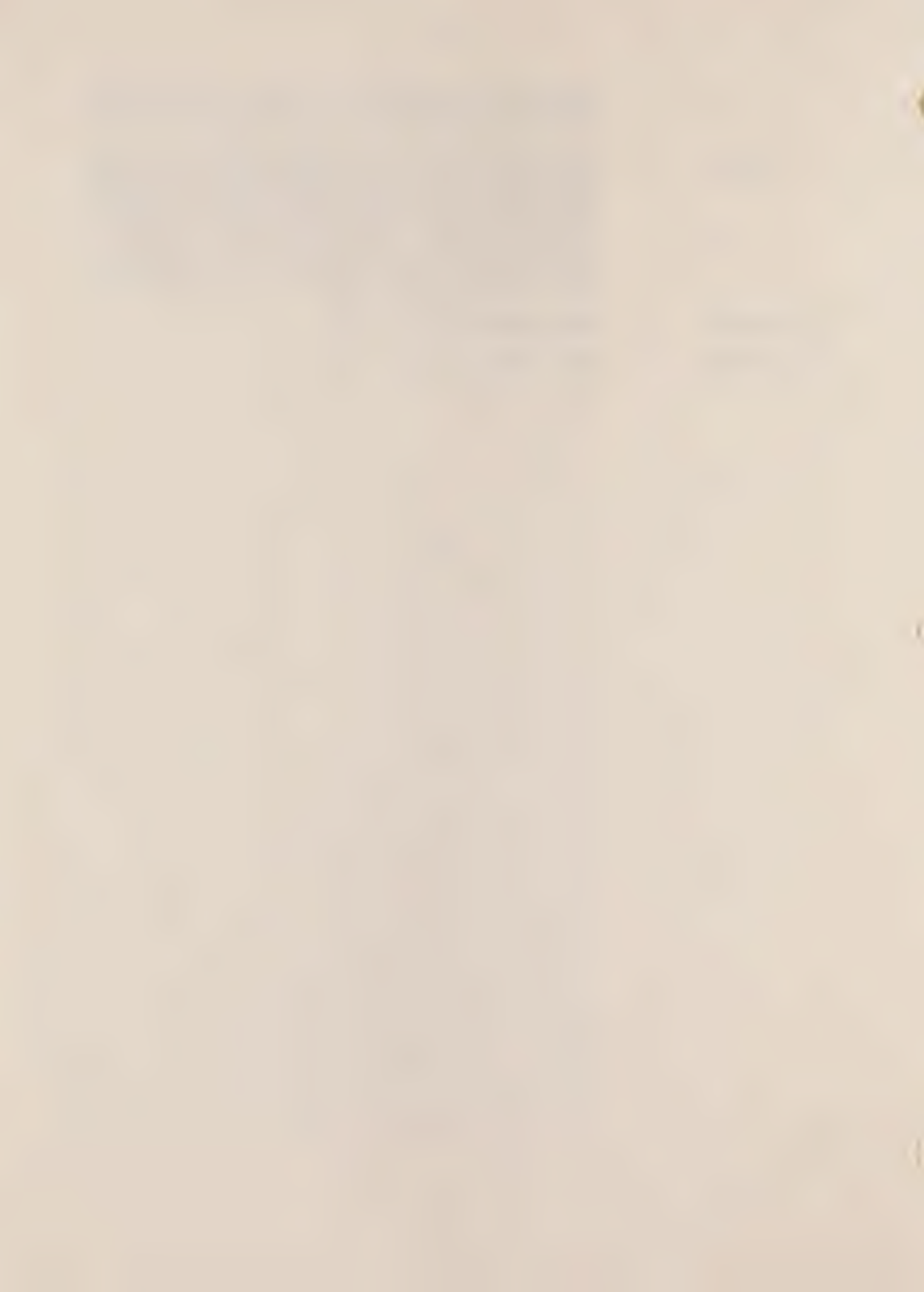
of policy, the farther you go into the area of Government. You may want to talk to the Secretary of State at some time about the kind of things you're thinking.

- Mr. Hickman - It isn't our job to guess how our recommendations might make our report seem more palatable, more logical and yet we are influenced, I think, if we didn't feel these things, we would leave it to statisticians to decide where bilingual districts should be. To what extent, if we don't include the 16% area in a bilingual district, do we open up, not so much ourselves, but the whole business to criticism. You have not applied the law. There is 16% and somebody is liable to say "you should have recommended a bilingual district".
- Mr. Smith - Your entire report is open to that sort of criticism and where you do create a bilingual district you may have people that say "you should not have for other reasons!" So, you have to call the shots, and I suppose all I was saying with respect to the 16% is that the mere inclusion of that, a discussion of that, may be sufficient to achieve an end which you see collectively as useful.
- Mr. Hickman - Could we say then, in other words, we consider this and it is our recommendation not to include it, but we don't make the decision. As you say, the Government might make it a bilingual district.
- Chairman - Dr Mackey and then Dr Lamontagne.
- Mr. Mackey - I would like to put the question in this context about the form and scope of our report insofar as it may or may not facilitate the implementation of what we recommend. In other words, the question here is this. Our recommendations have to do with the answer to the question: what. And in addition to that, the reasons. Do you think that it would facilitate the implementation of our recommendations if we were to, in each case or generally, state why we made this recommendation, why we made that one, why we didn't do this, rather than the case...

- Mr. Smith - Well, it seems to me that you are required to state your findings, conclusions and recommendations with respect to bilingual districts and what could be broader than that? In other words, it does not say that you are limited to describing what should be a bilingual district.
- Mr. Mackey - That is not exactly my question. My question is, from your point of view, and you have a lot of experience in the implementation of recommendations as you have seen many, is it advisable as a general rule to help the ministry and guide them and take them by the hand to say this is what and why we didn't do this as we could have done it. Or is it better simply to say in a cut and dry fashion...
- Mr. Smith - I don't think I can answer that in the abstract, but I suppose I can give you some sort of answer from the point of view of the last report, and it seems to me that if you have reasons in each case, then I suppose the implementation by those who study the recommendations if they don't want to do what you recommend, they are faced with the reasons and therefore would have to find better reasons not to do it, or, some completely different considerations which applied in the last Board for not accepting the report. But we had the study of the report and I suppose that when the first report recommendations were examined, had there been in each case more cogent reasoning, I suppose the problem of Quebec was a particular problem, and I suppose you could say that that was not really supported. I am just thinking back and you probably know more about this than I but it seems to me that that was the real stumbling block and possibly, and this is no disrespect for those who made the recommendations, but possibly the situation in Quebec, the recommendation, had it been defended in detail, maybe they would not have made the recommendation because when it came to be studied, it was found that the recommendation was not defensible. I am sort of doing this third hand, because this is not necessarily my view, but this, I think, was the conclusion of the

group that studied the report and perhaps Neil could say more.

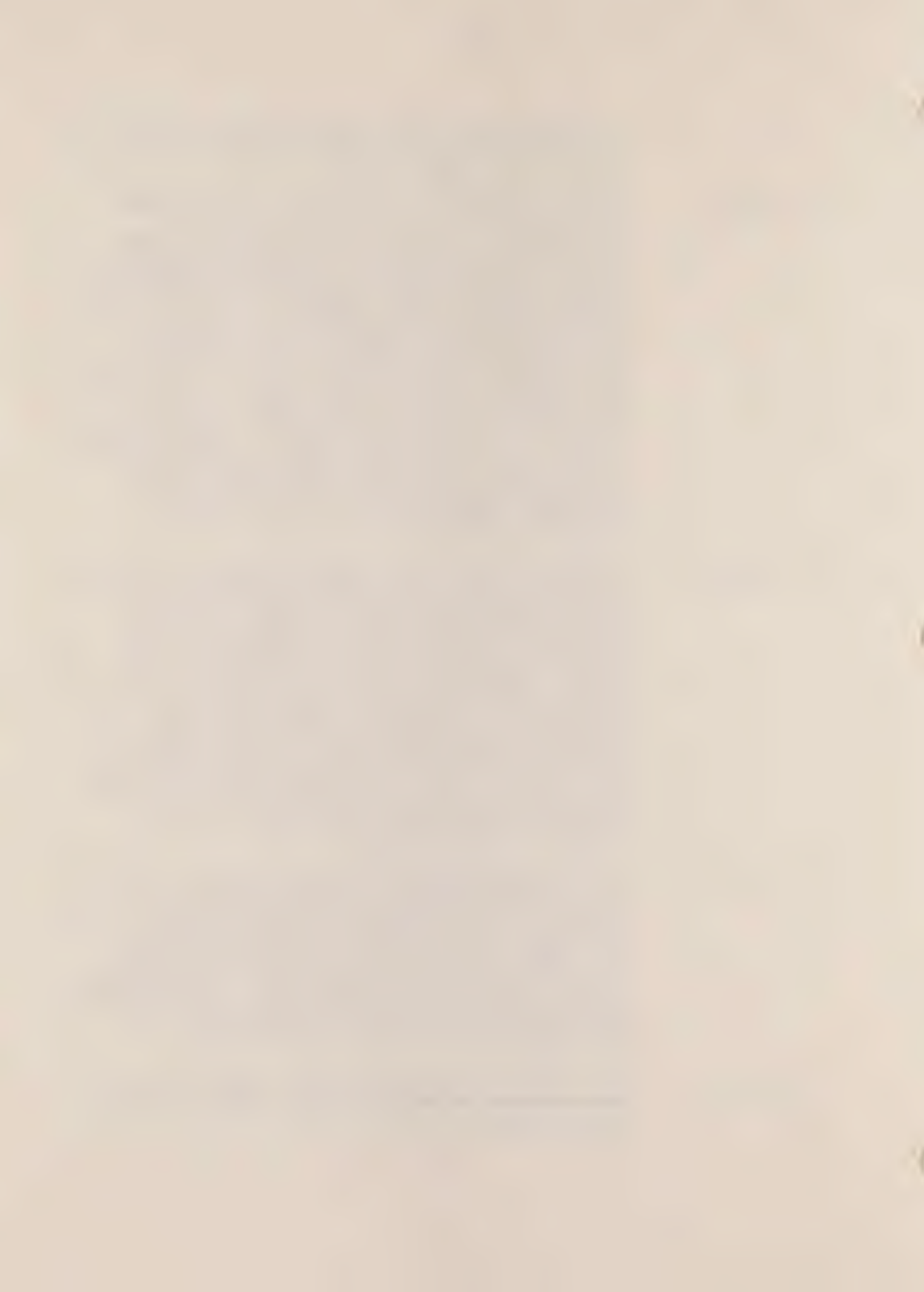
- Mr. Mackey - To close this up, in other words, the more reasons you give for having made a recommendation, the easier you make it for persons who wish to implement your recommendations and the more difficult you make it for persons who do not, because they have to give contrary opinions. Is that what...
- Mr. Smith - More cogent ones, yes.
- Mr. Mackey - Yes this is it.



- Chairman - I think that Dr. Lamontagne and Mr. Savoie had questions to raise, and I suggest that unless they have new questions to raise, I would suggest that we go to the other points as we should not go beyond 12:30.
- Mr. Lamontagne- Just a short question to come to a summary of this. Je suis très surpris d'entendre que la section 9(2) ne fait pas partie de notre mandat au même titre que la section 9(1) parce que pour moi toute la section 9, ça rapport aux services bilingues que le gouvernement fédéral doit ou peut fournir. Pour moi, c'est un ensemble. Et alors on peut faire la recommandation, dans la section 9(1), c'est très précis, c'est bien défini, que le district bilingue ça s'appelle comme ça. Dans la section 9(2), c'est peu défini, c'est pas clair, mais il y a tout de même quelque chose qui doit être assuré à une certaine population et c'est ce que les Belges appellent les agglomérations urbaines dans leur loi. Et dans les agglomérations urbaines comme Bruxelles ils sont obligés de donner les services en français comme ici dans les deux langues. Alors c'est ma conception, peut-être que c'est ridicule aux yeux d'un juriste, que c'est méprisable comme interprétation, mais il me semble bien que ça fait partie d'un tout.
- M. Smith - Ce n'est pas du tout méprisable mais tout de même je crois que le problème est sur le plan n'est-ce pas de la loi dans ce sens. Vous avez vos obligations selon l'article 15(1). Les ministères du gouvernement ont leurs obligations selon l'article 9. A la lumière de la création de certains districts bilingues ou non, ça dépend, mais vous, vous n'avez rien à faire consciemment avec l'article 9. N'est-ce pas c'est la responsabilité des ministères, qui découlent de votre rapport, et éventuellement d'un arrêt du gouverneur en conseil. J'ai souligné l'article 9 simplement pour, et simplement en parlant des résultats de la création ou le manque de création d'un district bilingue, des obligations qui relèvent des ministères.
- Mr. Morrison - This in fact is what happened after the first report. There was barely any mention of 9(2) and this would mean that the government

considered this as an obligation on the part of the departments.

- Mr. Smith - That is correct, and as far as I am aware, and I have nothing to do with the implementation of the law, but what I see is that the government is really moving to extend services without reference to particular areas, defined areas, and without saying well we're going to have probably a bilingual district here and there. They are saying well there is demand here and we have to try and provide the services. It is as simple as that, and I think that should be kept in mind at all times that the obligations under section 9 are obligations on the departments and agencies. And those exist quite apart from your recommendations but when you recommend them, certain things happen in relation to 9(1).
- Mr. Morency - I would like to add that in spite of the fact that the report was not implemented, all departments have taken action in order to give the services in all of the bilingual districts that had been recommended, even if not accepted, and in the review of the budgets when we reviewed the budget of all departments in Treasury Board, we found that actually each department was acting and Treasury Board asked what are you doing in this and that area which had been recommended? You must be ready, therefore start now, and I think they were in fact taken into the implementation process.
- Mr. Smith - I can assure you that as far as I was concerned at the time, that was the position that I took that they ought to be able to extend their services in any event. That was one reason why they didn't accept the report, whilst waiting for the '71 statistics. It was that they would extend the services notwithstanding that there was not in fact creation of a district.
- Chairman - Ms. Duckworth are you on this point? Or is there anyone else who would like to speak on this point?



Dr Savoie

- Je ne sais pas si ma question est aussi pertinente que je pensais qu'elle le serait mais je voulais demander à M. Smith son appréciation juridique sur le 9(2). Ça fait plus qu'un an qu'on en parle et c'est sensé être la grande panacée universelle et spécifiquement sur le problème du bilinguisme au Canada. Maintenant disons que depuis que vous êtes ici je suis un peu mêlé et je me demande ce qu'on a à faire avec 9(2) et je crois que vous devriez clarifier ça avant de partir, si réellement on doit s'en occuper de 9(2) ou non. J'étais convaincu que oui, et là ce n'est pas clair dans mon esprit. Ça c'est le premier point. Le deuxième, c'est précisément le contenu de 9(2) et la raison pour laquelle je trouve que, tout d'abord je reconnais que c'est votre brainchild, et je trouve que vous avez fait un exercice extrêmement valable en rédigeant ça et en essayant d'ouvrir le concept du district bilingue et que vous avez peut-être une affection particulière pour cet article-là, mais quand même je trouve qu'il comporte des faiblesses inhérentes qui sont telles qu'on ne peut pas lui faire ou lui donner l'absolution sans confession, comme aurait dit le père Regimbal autrefois. C'est que si vous voulez je prends le texte anglais qui dit: "the duty to ensure, to the extent that it is feasible for it to do so. to the extent that it is feasible." Alors immédiatement vous avez des fonctionnaires qui vont décider jusqu'à quel point c'est faisable donc vous avez tout de suite une question d'interprétation qui peut aller dans un sens ou dans l'autre d'après la disposition personnelle, subjective de l'individu qui fait ce jugement. Vous avez ensuite la question de "significant demand". Qui est-ce qui décide, puisque ce n'est désigné nulle part, et ça peut encore être des fonctionnaires qui vont décider que la demande est importante ou non, donc une autre possibilité que nous pourrions appeler un "loophole" et, finalement, vous avez la troisième, "that such persons, can obtain available services from" et là ce sont encore des fonctionnaires ou des gens qui sont plus ou moins intéressés, qui font un jugement subjectif sur la disponibilité des services. Certains vont dire c'est

possible. Ils ne sont pas disponibles. On ne peut pas les donner. Alors c'est là que je trouve que le 9(2) a tellement de faiblesses, qu'on ne peut pas lui accorder une importance trop importante pour assurer la mise en application du bilinguisme au Canada.

M. Smith

- Je suis complètement d'accord sur, disons, la faiblesse. Moi, j'aurais dit plutôt, la flexibilité, dans ce sens que pour avoir cet article, il nous a fallu une définition, et, je voudrais souligner qu'il y a une obligation où existent les critères établis dans 9(2). C'est vrai que la définition leaves it to the department to decide but the check in the system is still the Commissioner of Official Languages and the Commissioner of Official Languages will ask why is it not feasible when the fellow goes to the National Revenue in Toronto and cannot get somebody to communicate with him. That is the check under 9 and 9(1) can be meaningless too. You can't go to court with this. The sanction is by the Commissioner of Official Languages and he can act under 9(2) as he can act under 9(1) and the question of feasibility and significant demand, are vague too, but I can tell you from certain differences of opinion that I have had with the Commissioner of Official Languages that they take a very broad view, and a future commissioner might even take a broader view. I don't know. So you're not really dealing with something you can take to court, you are dealing with an administrative and political creature in the sense that duty is being imposed on departments and the check with an officer of Official Languages and these vague flexible words may not be enforceable, but 9(1) isn't enforceable in the courts either. It is all there simply to provide this flexibility and it can be used and will be used by the present government and any other government and will be used by the present Commissioner of Official Languages to push the government to do things that should be done. I don't have any answer directly to your question, but still I agree with you it was left open. It was designed as such but it still imposes

a duty that providing the conditions are fulfilled the department should decide what is feasible, what is a significant demand, and there is somebody else looking over their shoulders.

Mr. Savoie - Would you care to comment on the first part of my question and tell us to what extent, if any, that the Board has to be concerned with 9(2).

Mr. Smith - All I suggested is that 9(2) is there and the Board does not have to be concerned with it directly. All I'm saying is that the government and departments have that avenue and cannot hide behind the facts that you are not recommending a bilingual district. If you consider some particular area and you don't want to recommend it a bilingual district, it is still possible for the government to pick that up in a more or less precise fashion and they have the power and they have the obligation under 9(2) to do something. I suppose that, faced with an assessment of an area, which in your report you say we don't want to create a bilingual district for the following reasons, the government still has that avenue and will be asking itself what shall we do, because there is obviously someone to be considered here. And the Commissioner of Official Languages will have that in front of him and will be sending somebody down there to see if the local federal services are being offered in the second language.

Chairman - Now we have three hands up. Judge Monnin

Judge Monnin - Just a brief comment in fairness to the legislative draft of 9(1) and 9(2), as relating to the flexibility or imprecision, depending on the concept or the mind that you apply. French minds proceed differently. Le législateur anglais, pour sa part, procède de cette façon-ci, comme je l'ai déjà dit. Let's not forget that this is the result of a compromise where there were three, without naming them, three individuals, one Walter Weir, Attorney General, Sterling Lyon, Thatcher and I think Wackey Bennet. Comme vous voyez il fallait patiner pour arriver avec une solution de cette sorte-là. Il nous faut vivre avec cela. C'est le concept du Canada où nous trouvons toujours des

solutions de compromis. N'oubliez-pas aussi que si jamais nous recommandons de faire des amendements à ce texte de loi, que nous nous plaçons dans une position des plus embêtantes et des plus difficiles. C'est un texte de loi qui est "a can of worms". Ce n'est pas ce qui est de plus populaire dans le Dominion du Canada. Vous n'avez qu'à traverser la Rivière Ottawa pour savoir que ce n'est plus populaire chez les francophones pas plus que chez les anglophones. Si on se permet de faire des recommandations qui obligerait les législateurs, s'ils veulent le faire, d'amender un texte qu'ils n'ont pas du tout l'intention de réouvrir à moins que ce soit absolument nécessaire. N'oublions pas que c'est un domaine politique. C'est une chose qu'il ne faut pas oublier. Il faut être réaliste et vivre en 1973 dans la situation politique canadienne.

Miss Duckworth- It was just eventually that 9(2) might do the job and I am wondering if we do follow our mandate and recommend some bilingual districts and some get declared, do they become a nuisance at some point when one wants to switch to 9(2)?

Mr. Smith - This is the fundamental question in this sense that once you create a district it is there although you may change the boundaries and you require legislation to do away with it. That is one of the reasons among a number, that the first report was not acted upon. So you want to be very sure of what you are doing and the government wants to be sure what it is doing. All I can say to that is that to the extent that districts are created, to that extent, the government and even the creation of one, commits it to the principle of bilingual districts. And if it is sure that it wants to go that route, and they are not committed yet they have not created any, there is no follow-up, it is unsure. Then I suppose that is a consideration and goes to the root of it, that your mandate is to look at these things and stick to the Act as it now stands.

Mr. Hickman - Has it not committed itself to one district in the capital region?

- Mr. Smith - That is a real hurdle and there are various views about the utility, whatever you want to call it, about bilingual districts. It does not seem to me that you are here to really question that and say well we don't believe in the bilingual districts. That's not your job. You've got the Act and you've got to make some recommendations although you may wish to outline the difficulties and again, this is a policy decision.
- Chairman - I would like to get on to the next item...
- Mr. Mackey - Mr. Chairman I'm trying to make some sense out of what we are talking about as the discussion goes on...
- Chairman - Dr. Mackey has some marvelous phrases in discussion, and one of them is: "Allow me to explain the point you just made!"
- Dr. Mackey - Excuse me Mr. Smith, but I am trying to think this out for myself and as you said in response to my last two questions, that we are responsible I gather for the interpretation of the sections of the Act, which concern us. No.1 No.2, we may give reasons for our recommendations, and I think this is established that we think so, so if one of these reasons is a provision in another section in the Act, may we interpret the meaning of such a section.
- Mr. Smith - There is no constraint upon you in placing a meaning upon another section of the Act that may have relevance to your mandate. That does not mean that that meaning will be accepted by the government, but obviously you must give some meanings to the words that are written down on paper relating to what you have to do. That is sort of basic. You cannot do anything until you decide what you want to do. You want to go one step farther and say "well yes there is another section the obligations in which flows from what we do or don't do", and I don't see any particular problem in describing the meaning if you wish to do so, if you feel it is necessary.
- Dr. Mackey - Our reasoning would take therefore a pattern like this. If, such and such a section, means this, we recommend a bilingual district and, if it means something else, we don't. That is the sort of conclusion we come to.

- Mr. Smith - You would not put the draftsman in this position! I suppose that all I can say to that Mr. Chairman is that if I can be of assistance when you reach the point of interpreting a particular provision in the Act or a particular purpose, I will be glad to do whatever I can.
- Chairman - I would like to spend a few minutes on "principal offices".
- Mme Raymond - Moi je vais parler d'un autre point de vue de la loi. Le point de vue qui dit qu'après chaque recensement fédéral un nouveau conseil doit être nommé. Si la loi a été pensée en fonction d'un plan à long terme pour le bilinguisme au Canada, l'interprétation qu'on pourrait donner à cette partie de la loi, c'est qu'au fond le premier Conseil et maintenant le deuxième Conseil où le gouvernement ne pourra décider d'instaurer 35 districts bilingues à travers le Canada. Et que chaque fois où il va en déclarer un, il le fait pour l'éternité d'après la loi. Donc il faut penser que si on veut interpréter la loi, que c'est peut-être pas avantageux de mettre le plus possible de districts bilingues.
- M. Smith - Est-ce que je peux répondre indirectement à votre question? Le fait qu'il y aura un nouveau Conseil après chaque recensement vous donne une certaine flexibilité. Vous n'avez pas à vous sentir obligés de recommander globalement, tout ce qui peut l'être, puisque dans un autre dix ans, il y aura un autre Conseil selon la loi, telle qu'elle existe actuellement. Alors ça ne veut pas dire que vous êtes empêchés d'une part, mais il y a cette disposition que vous avez devant vous et que vous pourrez très bien vous dire, d'ici dix ans on saura un peu plus sur les problèmes linguistiques dans un territoire donné et, pour le moment, nous considérons qu'il vaut mieux ne pas créer un district bilingue. C'est une raison que vous pouvez donner pour ne pas créer un district bilingue dans un certain territoire.
- Mme Raymond - De toute façon, c'est la façon pratique et qui répond à ma première question, qui est la situation d'appliquer avec égalité la loi

où il y a des situations inégales, pour les rendre égales.

M. Smith - Je suis content que j'ai finalement répondu.

Chairman - May we pass on then to the next item because if we want to get all the possible benefits of Mr. Smith's presence as we can. I think Item II is not terribly important to the effect that we could perhaps propose a different title. Obviously in the report we would have to talk about bilingual districts because that is what the law tells us to talk about. However, if we are to make a provisional recommendation we might want to suggest that there be in future, there ought to be amendments to the Act, that the term bilingual district might be changed. Now, I guess we are asking you a simple question as to whether there would be any legal objection in making such proposals in our list of recommendations.

Mr. Smith - I don't think there is any legal objection as this is a matter of policy but there are different ways in which to go about that. As long as you fulfil the mandate.

Chairman - Is there any other question? Then may we pass to item III which is a much more difficult question. We have wrestled at great length in our deliberations here about the problem of what is the definition of principal offices as we deal with it in our report. I think I sum up the feelings of the Board members, when I say that we feel it is a very important item. And we as a Board who have thought about it at great length and have come to grips with the realities of the situation feel that we ought to say something here for the good of everybody. We are asking you now, I suppose first of all, how do you as a legal officer interpret this concept in the Act, at the moment?

Mr. Smith - I think I can answer that fairly briefly as this question has come up before. As a matter of fact it was asked by the Board for the last report and the advice I gave at the time on principal office was that it was a concept relative to the district being created. And as you create a district where

there is only one office, by definition that would be the principal office of the particular department which is located in that district. If for example you create New Brunswick as a bilingual district, as was recommended by the first Board, then again it is a relative question as to what is the principal office within New Brunswick. And I think the answer that I gave at that time was, if you take the Post Office for example, it is obviously the major Post Office in New Brunswick and that would not mean every Post Office in New Brunswick and, I suppose, that we have to look at the sanction by the Commissioner of Official Languages who, I think, would find it reasonable to consider that every Post Office let's say in the Northeast of New Brunswick, should provide services in both languages. I would hope that you would not find it unreasonable, if at the Post Office in Caraquet, assuming that the population is exclusively Francophone, that there was not any service in English and I would hope you would not find it unreasonable that in St. Stephen's or some place like that where there is no French-speaking population, that the services are only in English. I would also say to you that services can be rendered in a variety of ways.

- Chairman - May we try on you some of our ideas and alternative hypotheses?...
- Mr. Morrison - Could I ask you one question? It just occurred to me as you were talking before about the flexibility of or the limitations of 9(1). Supposing the Board recommends a bilingual district in Manitoba for instance where there are practically no federal services now. 9(1) says that there is an obligation to provide services to the public at the principal offices in the district. Is there likely then to be any conflict say, if Public Service Unions say, there is a district, 9(2) does not apply, 9(1) applies because the government has created a bilingual district and that is the limit of the obligation.
- Mr. Smith - Well, sure that might be a potential problem but I have already advised departments that even though they do not have an office within the particular area I found it advisable that

servicing that district from outside the district be able to provide services in both languages. But you get into some hairy problems because you take Manitoba again, if you create a district say in St. Boniface and the head office of the Canadian Wheat Board is in Winnipeg, to what degree will the Wheat Board provide services at its main office in both official languages. However, when the Wheat Board distributes pamphlets all over and you reach within areas where you have 500 farmers and a high percentage of French-speaking farmers and 5,000 Ukrainian-speaking farmers and 30,000 English-speaking farmers, what are the obligations of the Board at that point. And we have run into that. Again, it is a question of balance.

Mr. Morrison - 9(1) as you said is more precise but also is more restrictive.

Mr. Morency - This question of principal offices, and I believe you received a paper prepared on this subject, needs to be defined and that definition depends to a great extent on how we look at it. Is it from the point of view of the government, and the office which they consider the highest in the hierarchy or is it the largest office, which in some cases don't even deal with the public and, the intent of the Act is to serve the public. Usually the highest office is that which regulates the work of those underneath. Or again, do we look at it from the point of view of the public which we are trying to reach and for those or for that public it is definitely the office where they get their personal business done. So there are these two points of view and I was wondering if, in the report, the Board should not define this approach and give their interpretation of it. Do you think that there would be any legal complications?

Mr. Smith - Well I suppose that on the strictly legal question, principal office does not mean all offices. Principal office in a bilingual district that does not mean all offices within that bilingual district. So, as a matter of law, I suppose the advice I can give is that it is always relative but it isn't necessarily

everythink. If parliament had wanted it to be every office it would have said every office. Insofar as your defining principal office, first, as you appreciate, you are not in a position to give a definitive interpretation but your problem is that you can say that you are looking at a bilingual district and the purpose for creating a bilingual district is really ultimately to see what services are going to be provided in both languages, and that in turn leads us to the problem as to where those services will be provided and we cannot ignore therefore what those places are. And this in turn leads you to principal office. And you may then want to say following that line of reasoning, you may want to say something about this point. You should start from this premise that principal offices are relative to the district that you are creating and it does not necessarily mean all offices, although in certain circumstances they could. Because there could be one office and that would be the principal office and there could be 10 offices and they could be principal offices, because this is all relative. Have I made myself clear?

- Mr. Morency - In other words, it is not impossible and it would have to be stated clearly, that depending on the circumstances, it may be looked upon as being the principal office for the people of that region.
- Mr. Smith - That is correct. A relative concept. "Each of the principal offices in a bilingual district".
- Mr. Morency - So if there are two offices in one district and the jurisdiction of each of these two offices is to look after two groups of people on this side of the district it would be the principal office for this group, and for the people on the other side, the other, would be their principal office.
- Mr. Smith - Yes, probably this is fair enough. You have two Post Offices which may be the only federal presence in the district and they may have a divided jurisdiction in terms of where you go for your mail and it might well be, but don't take this to mean that every office is therefore a principal office.

- Mr. Morrison - The reverse of what Roly is saying is that for instance Northern Ontario we may say one district, then there is the interpretation of principal office in a bilingual district covering the whole of Northern Ontario or at least a large part of it, is it likely to be interpreted by whoever deals with this, for instance the Commissioner of Official Languages, in the same way as if you said "we recommend and the government proclaims districts for Nipissing, Sudbury, Timiskaming, Cochrane..."
- Mr. Smith - I think you have to look at the departmental set-up. Now, assuming that all of those Post Offices in Northern Ontario were equal and they all take their direction from Toronto, they might well be all principal offices and certainly the advice I would give them is that it would be that if they want to be safe, those are all principal offices. Now supposing there was a regional office, which all of those depended upon, you might take the narrow view that that was the principal office in relation to that district. Now the kind of advice which I would give is it might be argued that that is your principal office but you're not really giving any services in there as there are 10 offices to which people of both languages are addressing themselves frequently, and you should consider those as your principal offices. That is the safe tact to take because the Commissioner of Official Languages would not accept a Post Office not being able to give services in the two languages in that area. You see you are dealing with a very practical situation, and while I say it is relative, and it is, perhaps we must look at the facts in each case. If you have a district where you have a four tier hierarchy, maybe the principal offices should include the first two tiers and not the bottom two.
- Mr. Morency - As you would have in Ottawa the main or head office, the regional office and some local offices.
- M. Savoie - Sur le premier point je crois que, est-ce qu'il est sûr que nous parlons de bureau principal et que ce n'est pas défini dans la loi.

Là vous nous donnez une interprétation personnelle et possiblement qu'un autre conseiller juridique pourrait en donner une autre et là il n'y a plus de limite. Il me semble que ce serait valable s' il y avait quelque part, quelque chose d'écrit, pour définir bureau principal. Que ce soit accepté ou non, mais qu'il y ait quelque chose comme point de départ. Et la première question que je pose: est-ce que c'est souhaitable que notre Conseil essaie de définir bureau principal et l'écrive? Le gouvernement fera ce qu'il veut avec ça, mais au moins il y aura une tentative d'interprétation en tenant compte de l'esprit de la loi. Maintenant, M. Morency a quand même fait un travail très valable je trouve, et moi j'aimerais avoir votre interprétation sur le document et vos conseils comme conseiller juridique sur la valeur de ce document-là. Par exemple quand il dit: "We recommend that the expression of principal office be construed to mean all offices through which direct communications to or from the public are made, in whatever activity and administrative level". Moi, ça me satisfait, et j'aimerais bien qu'on puisse accepter ça. Est-ce que du point de vue juridique, en tenant compte de la loi, que vous seriez capable de dire c'est une bonne définition? Elle peut se défendre. Il y en a d'autres je crois qui se défendraient beaucoup moins bien, à la troisième page par exemple, est-ce que la proximité d'un district bilingue constitue une demande suffisante, eh bien on revient à votre question du Canadian Wheat Board à Winnipeg et peut-être faudrait-il y regarder de très près. Mais j'aimerais avoir une appréciation légale de ces recommandations-là, et des suggestions, pour voir si nous pouvons essayer de fournir une définition qui rendrait service au gouvernement et au département concernés.

M. Smith

- Le problème c'est que je ne crois pas qu'on puisse donner une définition abstraite. La définition que je vous ai donnée au début c'était que le concept de bureau principal est un concept relatif, dans le sens que ça dépend des facteurs dans chaque district proposé, chaque district créé. Donc, ça me semble que c'est impossible de donner une définition qui

va s'appliquer globalement. Il me semble que vous pourriez, comme j'ai dit tout à l'heure, arriver à un point dans votre examen du problème du district bilingue où vous dites il faut que nous donnions pour les fins de la création des districts bilingues, une définition par rapport à chaque district, des bureaux principaux. Mais je doute fort qu'on puisse say that all principal offices be construed to mean all offices. I don't know how you can say that, because that is not what parliament said. It may or may not be all offices in a bilingual district.

- M. Savoie - "All offices", ça veut dire plus que ça. Ça dit all offices with communications with the public et ça c'est différent. A ce moment-là, ce que vous considérez bureau principal ne rentrerait peut-être pas là dedans du tout parce que le public n'a aucun contact avec un certain bureau principal ou presque pas.
- Mr. Smith - Let's assume for a moment that the office is located within a district. I don't think that you can give a definition in the abstract and that is really my point. How do you do that, when Parliament has said, and this is the obligation of the department mind you and you cannot impose your definition on departments in that sense. Obviously you can take into consideration what is meant by that but it is principal offices in a bilingual district. It is still a relative concept. It does not say every office through which services are given to the public but principal offices and the only way I can construe that is principal office of any department in that district.
- M. Morency - Est-ce que ce n'est pas possible M. Smith de concevoir, et on sait fort bien qu'un ministère n'a jamais deux bureaux qui ont la même juridiction, tout d'abord. Alors partant de ce point-là, puisqu'ils ont chacun leur juridiction et territoire à desservir immédiatement dans ce territoire-là, ils sont les seuls. Alors c'est pourquoi on peut dire "tous ceux qui communiquent avec le public" et le public n'a rarement le loisir de communiquer avec deux bureaux du gouvernement fédéral dans le même endroit. Il y en a un qui a la responsabilité de leur localité. Alors, à ce moment-là, et c'est

sur ce point-là que j'ai dit "all offices dealing with the public" et le public n'a pas à traiter avec deux. Nous en avons eu des exemples dans toute nos visites lorsqu'on demande aux gens où ils obtiennent leurs services. Quelques-uns de l'autre côté de la rivière nous disent qu'ils peuvent se rendre à Pembroke de l'autre côté de Pontiac, mais on les renvoie toujours à Hull, parce que Hull a la responsabilité des gens de leur territoire. Alors immédiatement, vous n'avez pas de duplication de la part du gouvernement ou du ministère, et il n'y a seulement qu'un bureau pour ce territoire et c'est dans ce sens-là qu'on dit "tous les bureaux principaux" parce qu'ils traitent avec une seule partie de la population.

- Mr. Smith - Well, I suppose that what you are saying is that a practical examination of a problem in a district reveals only one office that deals with the public in that district. If that is the case, and I am not absolutely sure that this applies across the Board, but if that be the case, then maybe you're right. I don't think that globally you can say that it should be all offices but I think you can say for the purposes of your report that you find that in most cases members of the public in the district deal only with one office in a district and that generally there is only one office in a district, and if that be the case, by definition it is probably the principal office. That may be all right. But I can only say, as a matter of law, as I see it anyway, it is not every office in a district that is a principal office and that it is a relative concept, and if you find that in practical terms there is only one, that there will be only one, then in most cases maybe you should say that.
- Mr. Morency - It is to find a method in which it can be either defined or explained.
- Mr. Smith - But I come back to New Brunswick and I can't see that every office in New Brunswick, even the Post Office, is a principal office when they deal with the public. And I think there are areas where it would be perfectly legitimate to deal only in one language.

Miss Duckworth- Directly on that, there are two different questions opposed to calling them all offices and one is because if the Act wanted to call them all offices they would have done it and there is the hierarchical way in which you may cut it, but in the New Brunswick way there are two different problems. Let me say if, let's say, we have Inverness and Richmond in Cape Breton as a bilingual district, then the law says that in each of the principal offices there shall be... Now, letting aside for a moment the question of principal offices and thinking of each, let's say we decide that Post Offices serving the public are considered principal offices and there is nobody French anywhere around, is it incumbent upon the government to ensure that there are services there in both languages, even though in that particular part of that district, there is nobody French?

Mr. Smith - First of all, is the responsibility of the departments under the Act and the Commissioner of Official Languages... I gave another example of this, and I have said that that poses an obligation for you to have somebody there who is French-speaking, but if you are to get one request a year in French, maybe you should rig up a telephone line and hand him the telephone to deal with someone in the next office or in Halifax for that matter, because there is more than one way to skin a cat. At least this would be my view and that of the people in the department who are concerned with that very kind of problem. And if there is to be a reasonable application of the law and in a sense, that the Commissioner of Official Languages could come along and say that is not good enough, well it's only...

Mr. Morency - A good example is Air Canada. You phone Air Canada from Ottawa or anywhere around and you always land in Montreal, automatically. Because the services are available there in both languages and it does not matter if you try to reach the office here, you just can't.

Mr. Fox - Well I should say that Air Canada does not give any service in any language!

- Dr. Mackey - In other words, to follow your example we have St. Stephen's in New Brunswick. If there was a small population of Acadians living there, French-speaking, and said we are in a bilingual district during our holiday, then we should get our services in French at this Post Office. Somebody could tell them that they have to apply at Fredericton where the principal office is. Is that the way the situation would work?
- Mr. Smith - Let's put it this way, that could possibly be. Again, it's a relative question but let us take the practical situation. If in the past, there is no experience of such requests, what should the Post Office do. I think they would be wise to take their precaution for the future. You are concerned with what flows from 9 and so am I, with a difference: I assume that it will be applied reasonably and that it has to be approached reasonably and that you can't be overly reticent about providing services and at the same time you cannot be overly afraid of ringing up the phone and reaching somebody next door, if you need some help, as there are other ways of dealing with the problem. I agree that if you create New Brunswick a bilingual district, and define your principal offices, it is conceivable that in certain areas services should be provided and some people will say well, this is not the principal office, but if I am giving advice to the department it will be that if there is any question, they should provide.
- Dr. Hickman - Do you think that it will be appropriate if instead of a definition we were to state some assumptions in our report or do you really think that it is not our responsibility.
- Mr. Smith - No, I really didn't say it was not your concern or that you could be forbidden to give a definition, but really, that it may not be possible or that you might well look at a district and say, there may be a problem here with the concept of principal offices because departments have to provide services from principal offices, and it is not entirely clear if recommending New Brunswick as a district, that services will therefore be provided in all of the circumstances

that may be required. Because of the context of the principal office. If you interpret principal office as meaning every office, as Col. Morency did, as an office where people will normally go and receive their services then it would be a practical problem and maybe you will want to say well, on this basis things will work out, but all I'm saying is that you arrive at that at the end of your consideration.

Mr. Fox

- I have a problem that I would like to put to you. We have discovered in our travels that it is not a simple matter of service across the counter, and that frequently the complaints about inadequate services have arisen in trying to contact the Federal Government at a higher level than the counter, and I think we are misleading ourselves a bit if we are talking only about Post Offices. Particularly we have discovered that the difficulties we are at, say Manpower, when they want to discuss with the Manpower representative a job where the worker is not very literate and he has difficulties even maybe in his own language in explaining what sort of qualifications he has, and when you compound that difficulty by facing him with someone who speaks the other language, then there is a real problem of communication and we have found this true of the English people communicating with French officials and vice versa, so that there is a real problem here beyond the counter. Moving up to say the discussion of taxation problems where you may need to talk to a fairly high ranking person, way back from the counter. Now, if our report is to be realistic, we must have this in our mind when we are writing about the districts. My second question is: If your interpretation holds, and we are not to make a general statement of some kind about our interpretation of principal offices but to make it relative to each area that we

- Mr. Smith - I was suggesting as a matter of law, that it is relative. And I don't think that you could give a definition in the abstract. I wouldn't say that you couldn't, I'm merely giving you my view on that and if it is relative, it is relative to each district that you may propose. That doesn't follow that with respect to each district that you propose you have to start labeling principal offices and that is not indeed your responsibility. Principal offices come under 9 and those are under the departments and the government. All I was suggesting is that there may be specific areas where that concept you may feel create special problems. And one that comes to mind is particularly that of New Brunswick, and maybe you should be considering that. There may be others, but you may want to say well looking at this particular district, by reason of the boundaries, there may be some problems in terms of saying what principal office is. It may be that in one or two dozen cases, I don't know, but to say that you would have to do it in every case, no.
- Mr. Morency - I think it might be possible, even in a single definition, to make it relative. In other words, to redefine this to show the relation between the office and the population, and it could be done, as a concept or as a way of seeing the things the way they are, and I think that without saying that all offices, we might tie that aspect to the need of the population, as you have explained before. I think it is still possible to make a definition or explanation that would be application to a number of districts or to all the districts but showing the relation with the population and the need of the service.
- Mr. Smith - That leaves me with some difficult, and I suppose I would have to look at it, but I see it as rather difficult. I can only

say that I think you might run into some difficulties if you were to try and say in the abstract for the purposes of the report as a whole, here is what are principal offices. Maybe not, but I would have to look at your definition.

- Mr. Morrison - I have just been looking at the Finnish situation and there their services are relative to the need of the population. There is a tremendous range of possibilities and it would be difficult to compare some small area in Manitoba to compare with the city of Montreal or even that of New Brunswick. There is a tremendous range to try and encompass within one definition.
- Mr. Smith - I must say this again that it was never intended in the Act that there be an obligation to provide in every circumstance complete and equal services, even though that might be the ultimate goal. And it does not read that way and this is why they talk about principal offices and why they talk about available services.
- Mme Raymond - Je pense vous savez que pour vous donner un exemple concret qui nous a été apporté à Montréal, les soumissions qui sont présentées en français par, disons des comptables ou des architectes ou des ingénieurs, et qui sont présentées à Ottawa. Mais, s'ils sont présentées en français, ça prend trois semaines de plus avant d'avoir quelqu'un qui va les traduire et d'avoir une réponse. Donc on est obligé d'envoyer les soumissions en anglais, alors la notion de principal office est un problème.
- Dr. Mackey - Mr. Smith, as you say, the principal office is relative to each district and the value of the district depends on the services available within the district, then, we must conclude that we cannot make any significant recommendation without going into the interpretation of section 9. Could that be considered correct?
- Mr. Smith - You put it a bit strongly, but it seems to me that when you make your recommendation

you have to have in mind what it is ultimately, that you want to achieve. However, I am just a little bit leary of saying in the abstract that you can set out in page 1 of your report, here is a definition of the principal office which we will use in our report which will be applicable across the country.

- Mr. Morrison - You have said earlier that it was not the intention of parliament to provide equal services everywhere and there seems to be a tendency to assume that it is in the Act and this is what it seems to be going beyond the mandate. And then you get into the question of credibility. I just don't conceive that it is possible to provide for everybody in Quebec equal services or to individuals or groups elsewhere in the country.
- Mr. Smith - While this is what we have said, it is not so much the equal services people are supposed to be able to obtain but available services. Certainly the idea of significant demand and other features all indicate, it seems to me and I don't pretend to say that I know what parliament intended, but the government policy would be to provide services to the limit of the possible and that's why there are so many caveats written into it because there had to be and there was no other way it could be done.
- Chairman - There are two other items that we would like to discuss and we have two minutes to do it!
- Père Regimbal - Moi je voudrais tout simplement énoncer un problème que j'ai beaucoup de difficulté à clarifier dans mon esprit, to make sens comme vous dites, c'est la distinction que vous faites entre l'intention de la Loi et le but ultime de la Loi. Vous semblez faire une distinction.
- M. Smith - Je crois que non. J'ai parlé de l'intention de la Loi mais de fait je n'aimerais pas parler de l'intention de la Loi puisque c'est

le parlement qui a légiféré. Ce que je voulais dire c'est qu'on a la Loi et c'est là. J'ai parlé de l'intention peut-être du gouvernement, en proposant la loi, et en parlant d'un but ultime. C'est tout simplement une réflexion personnelle. On les a tous, ainsi que le Commissaire aux langues officielles, qui a lui-même ses propres concepts et il l'a dit dans son rapport, mais ça ne veut pas dire qu'une cour appelée à interpréter la Loi va en venir aux mêmes conclusions. Ça ne veut pas dire non plus pour la même raison...

- Père Regimbal - Même de la part du gouvernement qui a promulgué la Loi? Il y a une distinction entre son intention et son but ultime?
- M. Smith - Ca se peut qu'il y ait une distinction entre ce que le gouvernement a voulu faire dans le sens de ses responsabilités et obligations actuelles, avec ce que le gouvernement a voulu faire à long terme, le but qu'il voulait atteindre en obligeant les ministères. Mais une égalité complète, quant aux langues au Canada, dans le sens qu'on prévoit que n'importe qui francophone ou anglophone, peut entrer n'importe où et se voir servir dans la langue de son choix, est peut-être un peu ultime. Mais ça ne veut pas dire que c'est l'obligation de la loi actuelle.
- Chairman - It is my duty to inform you that this is 12:35 and we still have "significant demand" to discuss and then there is the final question about the discrepancy in the Act between two phrases "mother tongue" and "language spoken".
- M. Savoie - La dernière question est importante parce que cela porte directement sur les décisions que nous allons prendre. Je crois qu'il faut que ce soit très clair dans notre esprit, si on prend la définition de langue maternelle, telle que définie dans la loi, ou bien "language most often spoken". Ça c'est très différent et ça touche à toutes nos statistiques.

- Mr. Smith - I wonder if I could make an observation, I don't want to dismiss this last question off hand, but we have discussed 9(2) earlier and I quite agree that it is rather vague and that it may leave the whole matter open and I said that I saw some advantages to having it made more precise and, quite frankly, it is what you want to make out of it, what departments want to make it and what the Commissioner of Official languages wants to make it. I don't see how, or I would have difficulty any way, and I hope Judge Monnin will agree with me, I would have difficulty in giving you any useful interpretation of what is feasible, which is relative any way. And departments will have to look at that and they'll have to be careful as to the sanctions of the Commissioner of Official languages such as for also significant demand, which again is relative, because significant demand in a community of 50 people may be 5.
- Chairman - Therefore, you suggest that we don't need to worry about it.
- Mr. Smith - I wouldn't worry about it too much.
- Mr. Mackey - You say there are other avenues to deal with it, such as, the fact that in a certain situation, we would consider that there is significant demand.
- Mr. Morency - I would like to say Mr. Smith that as a member of the public service and having to deal with this sort of question in various departments, this question has always been stumbling block. And unless somebody defines it somehow or at least suggest what the definition should be, unless some guidance is given to a recommendation of this sort, they will still be debating this for the rest of their life, because since the Act was passed in '69, this is the question that has baffled the advisors on bilingualism and they have kept asking twelve times a year for the last four years. They want a definition.

- Mr. Smith - Well, I don't know, I don't want to be flippant, but it seems to me that this is what they're paid to do. Really, you have to make decisions sometimes. You know, I am paid to give legal advice and I know that many a time I am wrong but still, I have to give it. You know, somebody wants to submit me a problem and ask that say in a community of 50 people where there are 5 French-speaking people who live out in the wood somewhere and seldom come to get their mail, would that be significant demand and I would say certainly no. But if they came once a day and all 5 of them and ask for their mail, I might probably say yes. But it seems to me that, this is up to the post office to ascertain those facts and for somebody there to say "well what are we doing here, what is the problem" and if they are smart they will try to avoid the criticism by making sure that the services are provided for, that the person next door who may be French-speaking is available to answer some questions. You know, there is no way that I or somebody else could sit down and say exactly what significant demand is.
- Mr. Morrison - This is like Jean-Marc Hamel who made his own decision and he has gone ahead and has had no problem. Now I suppose if people in a particular region wanted to sound out the Commissioner of Official languages maybe, but this was the way he wanted to do it and he did it and he covered the whole country.
- Mr. Smith - Yes, in fact he consulted me and he consulted also the Commissioner of Official languages. He covered his tracks and he had no problem.
- Mr. Mackey - Let me give you an example here. The reason why we had to look at significant demand is that we cannot ignore it. Suppose we say we don't recommend a bilingual district here, but we like to point out that a lot of people, such a great population that we cannot imagine it does not constitute a significant demand. Therefore, if it is so interpretive by the departments, then we don't need a bilingual district and we recommend that the departments take the necessary measures. It determines our decision.

- Mr. Smith - Yes, I appreciate that, but perhaps it is not that easy, because supposing you have a potential bilingual district and you don't want to make it a bilingual district, and there are several departments in that district, including the unemployment insurance which does a lot of business all the time. It may well be that it is essential that there be a bilingual capability, but it may well be also that the other offices of other departments, which are relatively minor and where it does not matter so much, perhaps, and you may want to ensure that people dealing with unemployment insurance get their services. It might be that the minority population is largely unemployed, creating a special set of circumstances. And in this case it would seem to constitute a significant demand, but whether there would be a significant demand in one of the post offices in that particular area, is something else again. Again, you would have to look at the type of services provided by the departments.
- Mr. Hickman - I think this question is going to be too vast for us to torture ourselves with.
- Mr. Smith - Yes, well, maybe this could be the case. All I am saying is that it is difficult, to come to grips with the question and saying in the abstract this or that.
- Chairman - I think we must pass on to the next point which is the question at paragraph 5, as per the letter of Mr. Morrison to Mr. Smith.
- Mr. Morrison - This is the result of a conversation I had with a legal officer in a department and although I could not see exactly what the problem was, I felt I should raise the question anyway.
- M. Savoie - Je crois personnellement que le problème en ce qui nous concerne nous paraît assez simple parce que ici la Loi a défini ce que voulait dire "langue maternelle". Donc, 36(2) est très très clair et il n'y a pas de doute qu'il soit parfois utile de regarder la langue qui est le plus souvent utilisée. Mais en prenant nos décisions, le Parlement nous a dit clairement ce que nous devons suivre.

Alors, pour moi le problème est relativement mineur.

- M. Smith - Moi, personnellement, je n'ai pas très bien saisi le problème parce que la définition et les chiffres donnés par Statistique Canada décident la chose. Ce n'est pas de fait entre vos mains à déterminer qui est une personne qui est un résident et qui a comme langue maternelle, soit l'anglais ou le français. Vous avez vos statistiques et devez les utiliser.
- Mr. Mackey - The problem is really in the wording of the Act. In functioning there is no contradiction. But you see, Statistics Canada has different statistics. Mother tongue is language understood whilst in the Act they say mother tongue spoken, if you see what I mean. Now, that could be languages spoken but later on in the Act it says "the statistics that we will have to use will have to be the mother tongue statistics", as defined by Statistics Canada and do not talk about the language spoken and the language understood. I mean it is simply the Act which is sufficiently clear taken as a whole to convince us that it is really the mother tongue figures that we have to use. Mother tongue, as defined by Statistics Canada.
- Mr. Smith - Well your definition in 36(2) is "mother tongue spoken by persons in any area of Canada means" so you import all of that into 14(1).
- Chairman - Are there any further questions that members wish to raise with Mr. Smith which are not listed in our paper?
- Mr. Mackey - I would like some more advice here, although it may not be a legal one, but this has to do with our use of extrapolation of statistical data. We are tempted from time to time to extrapolate, such as we say that is fine now, but let's wait till 10 years from now and we may have difficulty. What do you think it is advisable to do to take these things as the facts as they are now, or should we try and project in the future.

Mr. Smith

- Well, that is so far away from my expertise, that I don't think I would be really prepared to make a contribution or observation on that. You are there to make a report and I suppose you may take any factors that bear upon the report that you have to make as you think are valid. I suppose you can always consider things that are relevant to your mandate in your report. Perhaps, Mr. Chairman, I have said a lot of things today, and I hope you appreciate that this is legal advice and I don't want to give the impression that I am using my position here to give you all sorts of... let's not forget that personal observations are not my role.

Chairman

- I want to reassure you on that, we are very appreciative of your legal advice and we need all the advice that we can get. There is another observation that I would like to make. We have discovered in our travels a number of complaints for instance, in the services relating to radio and television and we are seriously considering including in our report pretty strong advice on this subject. We feel that this is called for and I wonder if you have any comment.

Mr. Smith

- Well, I think it seems to be a fair thing as long as you fulfil what is required of you under 15(1). If you have observations and recommendations other than those, it is a question of policy and certainly you have sufficient experience in this area although obviously you have to be careful as the type and number of recommendations that bear on your credibility. I certainly see no legal objection and I would think personally that if you think the Government would find them valuable, by all means.

Chairman

- Well, Mr. Smith, I would like to thank you very much for coming to meet us again and providing us with valuable advice.

Mr. Smith

- It is always a pleasure to come here and the problem is that maybe I have spoken too much and too bluntly. If there are other points, I will always be pleased to be as helpful as I can.



NOTE DE SERVICE

A: Paul Fox, président

DE: Yvonne R. Raymond, commissaire

Lors de la dernière session du Conseil, le 15 septembre 1973, quelques membres ont protesté (j'utilise ces mots, monsieur le Président, parce que ceux qui décriraient la réalité que nous avons vécue ne sont pas convenables) parce que des décisions ne pouvaient se prendre au sujet du Québec.

Je tiens à signaler que c'est à la suite d'un accord commun des membres que le Québec a été placé à la fin du programme des visites à travers le Canada. Le 13 septembre, encore une visite était à l'horaire dans le comté de Pontiac. Il avait été entendu que les décisions se prendraient à la fin des visites.

Le deuxième point que je tiens aussi à souligner, c'est que le premier Conseil n'avait fait aucune visite dans le Québec et, dans son rapport, avait considéré le Québec comme un poids pour faire l'équilibre afin que soient bien acceptées les recommandations dans les autres provinces.

Le Québec est une province au Canada et doit être considéré comme une entité et non comme un moyen pour faire accepter des mesures au Canada anglais.

Je demande que ce texte soit porté au procès-verbal de la 12ème réunion.

/tl

18 septembre 1973



Membres du Conseil consultatif
des Districts bilingues

SECURITY CLASSIFICATION DE SÉCURITÉ

FOUR-LE N° RÉFÉRENCE

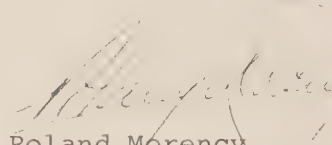
1823-180/5

R. Morency

le 25 septembre 1973

Réponse du gouvernement du Québec

Vous trouverez ci-joint copie d'une lettre
de Mlle Hélène Lemieux, Secrétaire à l'agenda du
Premier ministre de la province de Québec.


Roland Morency
Secrétaire général associé

pièce jointe

CABINET DU PREMIER MINISTRE

Québec le vendredi 21 septembre 1973

Monsieur Paul Fox
Président
Conseil consultatif
des districts bilingues
Ottawa K1A 0M5

Cher monsieur Fox,

Le Premier ministre désire faire suite à la lettre que vous adressait monsieur Claude Trudel en date du 7 septembre 1973 et de vous informer qu'il est sincèrement désolé de ne pouvoir acquiescer à votre requête au cours des semaines à venir en raison d'un emploi du temps particulièrement chargé.

Si toutefois une possibilité de rencontre devait s'offrir, me Claude Trudel, chef de cabinet adjoint, se fera un plaisir de vous en informer.

Veuillez agréer, cher monsieur Fox, l'expression de mes sentiments les meilleurs.

La Secrétaire à l'agenda

Hélène Lemieux

Hélène Lemieux



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

Membres du Conseil consultatif
des Districts bilingues

OUR FILE N° REFERENCE

1821-5

OUR FILE N° REFERENCE

FROM
DE

R. Morency

le 27 septembre 1973

Couverture du rapport du Conseil

Lors de la rencontre avec le gouvernement provincial de l'Ontario, nous avons obtenu un exemplaire du rapport de la Commission sur l'Education post-secondaire en Ontario, lequel exemplifie une couverture de fond blanc, d'un texte noir et d'un éventail dont la base est de bleu royal.

Nous vous transmettons à titre d'information une photocopie de cette couverture pour votre considération.

Roland Morency

pièce jointe

La société s'épanouit

Rapport de la
Commission
sur l'éducation
postsecondaire
en Ontario







MEMORANDUM

NOTE DE SERVICE

Mme Y. Raymond,
Dr. W. F. Mackey,
Dr. L. Lamontagne,
Mr. A. M. Monnin,
Mr. R. Morency, ✓

The Chairman,

SECURITY CLASSIFICATION DE SÉCURITÉ
OUR FILE - N/REFERENCE
YOUR FILE - V/RÉFÉRENCE
DATE October 3, 1973

SUBJECT
OBJET

I was appalled to read in The Toronto Star to-night the enclosed Canadian Press report of the tragic death of Dr. Camille Marcoux, the doctor at Blanc Sablon with whom we had dinner on July 10th.

I think that you will share with me deep regret on the loss of such a likable and attractive person who was so important to the welfare of his community.

I wonder if there is anything we might do? If you have suggestions, perhaps we can discuss the matter at Val David.

Paul Fox,

"Toronto Star - October 1, 1973"

"Crash victim's body found in Quebec"

"Blanc-Sablon, Que. (CP) - The body of Dr. Camille Marcoux, missing since the helicopter in which he was a passenger disappeared Sept. 13 on a flight from La Tabatière, was found during the weekend by local fishermen searching the St. Lawrence River. The body of pilot Steve Powers has not yet been found."



MEMORANDUM

NOTE DE SERVICE

Membres du Conseil consultatif
des Districts bilingues

290-2

R. Morency

le 27 septembre 1973

Séance plénière à Val-David
les 11, 12, 13 et 14 octobre 1973

Pour faire suite à ma note du 29 août à propos
la séance du Conseil à Val-David, Québec, et des
communications individuelles reçues depuis la dernière
séance.

Logement

Les changements nécessaires seront apportés aux
dispositions prises antérieurement pour refléter les désirs
exprimés quant à l'heure et date d'arrivée à La Sapinière.

Dispositions de voyage

Pour assurer le transport des membres de l'aérogare
de Dorval à Val-David, nous avons suggéré les vols et les
heures d'arrivée dans la note du 29 août.

Compte tenu des changements demandés, nous répétons
ici les heures et jours d'arrivée ainsi que les dispositions
en vue du transport de Dorval à Val-David.

Nous vous demandons toutefois de retenir vos sièges
d'avion et d'acheter les billets nécessaires.

Jeudi, le 11 octobre 1973

a. Premier groupe

Mme A.W.R. Carrothers

Calgary-Toronto-Montréal

AC vols #110-428 déjeuner

dép Calgary 10h25 HAM

arr Toronto 15h50 HAE

dép Toronto 16h30 HAE

arr Montréal 17h30 HAE

Mlle E. Duckworth

Boston-Montréal

Delta Airline

Arr Montréal 17h56 HAE

M. Paul Fox

Toronto-Montréal

AC vol #790

Dép Toronto 17h HAE

Arr Montréal 18h HAE

M. Léopold Lamontagne

M. Lamontagne a accepté de rencontrer les membres mentionnés plus haut à l'aérogare de Dorval à 17h30 devant le comptoir de l'agence AVIS et de les conduire à Val-David.

Le départ de l'aérogare est prévu pour 18h et l'arrivée à l'Hôtel La Sapinière à environ 19h15

b. Deuxième groupe

M. W.F. Mackey

Québec-Montréal

AC vol #531

Dép Québec 16h55 HAE

Arr Montréal 17h30 HAE

M. N. Morrison

Ottawa-Montréal

par automobile

Mme C. Pilon

Ottawa-Montréal

par automobile

M. D. Cartwright

Ottawa-Montréal

par automobile

M. Cartwright a accepté de conduire le personnel du Secrétariat et rencontrer M. Mackey à Dorval à 17h30 devant le comptoir de l'agence AVIS et de conduire le groupe à Val-David.

Le départ de Dorval est prévu pour 17h45 et l'arrivée à l'Hôtel La Sapinière à environ 19h.

c. Troisième groupe

M. H. Hickman

Victoria-Vancouver-Toronto-MontréalAC vols #PW797-136-620 déjeuner et
collation

départ Victoria 8h15 HAP

arr Vancouver 8h40 HAP

départ Vancouver 9h15 HAP

arr Toronto 16h25 HAE

départ Toronto 17h30 HAE

arr Montréal 18h35 HAE

Mme R. Raymond

Résidence à Dorval

par automobile

Père A. Regimbal

Sudbury-Toronto-Montréal

AC vols #370-790

départ Sudbury 15h05 HAE

arr Toronto 15h50 HAE

départ Toronto 17h00 HAE

arr Montréal 18h00 HAE

R. Morency

Ottawa-Montréal

par automobile

Je rencontrerai les membres mentionnés plus haut à Dorval à 18h devant le comptoir de l'agence AVIS pour les conduire à Val-David.

Le départ de Dorval est prévu pour 18h45 et l'arrivée à Val-David à environ 20h.

Vendredi, le 12 octobre 1973

M. Monnin arrivera à Dorval vendredi en soirée. Une chambre a été retenue à l'Aéroport Hilton Hotel pour la nuit du 12/13 octobre.

Samedi, le 13 octobre 1973

M. A. Savoie

Moncton-Montréal

AC vol #639

départ Moncton 12h00 HAA

arr Montréal 12h20 HAE

M. Monnin a accepté de rencontrer M. Savoie à l'aérogare de Dorval et le conduire à la Sapinière à Val-David. Une voiture a été retenue à l'agence AVIS de Dorval pour 12h samedi au nom du Juge Monnin.

Hôtel La Sapinière

Situé à Val-David, environ 60 milles de Dorval.
La route suivante est suggérée:

- Chemin Côte-de-Liesse Est, route 520, jusqu'au Boulevard Métropolitain Est,
- Boulevard Métropolitain Est pour une courte distance, jusqu'à l'Autoroute des Laurentides,
- Autoroute des Laurentides, route 15, jusqu'à Ste-Adèle,
- De Ste-Adèle, la continuation de la route 15 est la route 11, conduisant à Val-David.

Nous vous suggérons de retenir vos sièges de retour, dimanche le 14 octobre en après-midi, ou si nécessaire à toute autre heure qui vous convient.

R. Morency
R. Morency
Secrétaire général associé



MEMORANDUM

NOTE DE SERVICE

SECURITY CLASSIFICATION DE SECURITE

TO
A

ALL MEMBERS

OUR FILE N REFERENCE

FROM
DE

THE CHAIRMAN

YOUR FILE V REFERENCE

DATE
September 27, 1973

Agenda for Board Meeting at Val David, October 11 to 14, 1973.

I now have been in touch with all of you by telephone concerning the Val David meeting and I would like to make the following proposals:

1. We should hold the Board meeting at Val David, as planned, with most members arriving Thursday, October 11 and departing sometime on Sunday, October 14.
2. Since some members have expressed the desire to have ample time to discuss a number of general and specific questions, before we consider making any decisions on individual bilingual districts, I am proposing that we divide our time as follows:
 - (a) We could devote as much time as members wish from the time of our arrival on Thursday until 1.00 p.m. on Saturday, in discussion of such items as the following:
 - the principles underlying our recommendations,
 - the criteria for decisions,
 - the implications in Mr. Cartwright's paper,
 - the possibilities of utilizing Section 9 (2),
 - the provision of bilingual services in large centres, such as provincial capitals, "principal offices", "significant demand", and "feasibility".

If members wish, they could have meetings on these subjects on Thursday evening, Friday morning, Friday afternoon, Friday evening, and Saturday morning until 1.00 p.m..

- (b) Following the arrival of Messrs Savoie and Monnin on Saturday afternoon, at approximately 3.00 p.m., we could discuss the results of Mr. Morency's survey of the location of principal offices and have a preliminary discussion of the bilingual districts in Quebec proposed by Mme Raymond and M. Mackey.

Depending on the remaining time available (which will be determined by the hour that members choose for departure from Val David on Sunday), we can discuss the following subjects:

- reports on the visit to Saskatchewan, and
 - the meetings with the Ontario Government and the Nova Scotia Government,
 - possible arrangements for meeting M.P.s,
 - new design for the cover of the Report, and
 - any preliminary drafts of the general introduction to the Report and the introductions to the provincial sections of the Report which are ready, and,
 - other business.
3. We will try to distribute to each member as soon as possible as much documentation as we can, including if possible a summary of the results of Mr. Morency's study of the location of principal offices and the proposals from our Quebec members for bilingual districts in Quebec, and preliminary drafts of the general introduction and the provincial introduction, if they are ready.
4. In any case, I propose that we do NOT make any final decisions on any substantive issue at our meeting at Val David, but use this meeting to complete all of our preliminary discussions so that we are prepared to make final decisions at our November meeting in Ottawa. This will give each of us a good deal of time for reflection between the Val David meeting and the November meeting of the Board.
5. I would like to invite each member who has comments on the above arrangements to make his views known immediately to the secretaries. In particular, I would like to ask you to do the following:
- (a) Please read the attached draft agenda and if you have any comments, please send them to our Secretary or Associate Secretary at once. You will have the usual opportunity to propose additional changes, of course, at the meeting at Val David when the agenda is presented for adoption, but once it has been adopted at that meeting, we will adhere to it.
 - (b) Please indicate on the attached paper whether or not you agree that we should conclude the Val David meeting at about noon on Sunday. If you have other suggestions, please make them now.

- (c) Please indicate whether or not you wish to have meetings at the following times by checking the list in the appropriate places of the attachment.

Please send your replies on these questions to Mr. Morrison or Mr. Morency immediately.

TO: Secretary General

FROM:

Subjects: Val David Meeting, October 11 to 14, 1973.

With reference to the Chairman's memo of September 27th, 1973, the following information is provided:

Re: Para 2

Other business to be added to agenda, if any:

Re: Para 3

Provincial introduction attached/not attached.

Re: Para 5

- (a) Comments on proposed arrangements, if any:
- (b) Comments on proposed agenda, if any:
- (c) Agree/do not agree to conclude the meeting at about noon, Sunday.
- (d) Wish to have meetings:
- | | <u>Yes</u> | <u>No</u> |
|--------------------|------------|-----------|
| - Thursday night | _____ | _____ |
| - Friday morning | _____ | _____ |
| - Friday afternoon | _____ | _____ |
| - Friday evening | _____ | _____ |
| - Saturday morning | _____ | _____ |

Commissioner



MEMORANDUM

NOTE DE SERVICE

TO
A

All Members,

FROM
DE

Miss E.R. Duckworth,

SUBJECT
OBJET

SECURITY CLASSIFICATION DE SECURITE
OUR FILE N REFERENCE
YOUR FILE V REFERENCE
DATE October 5, 1973

Here are some comments on the suggested agenda for Val David.

Primarily, it seems to me that it is unwise to schedule "ordinary" items for this agenda. It seems to me we ought to feel that we have all the leisure necessary to deal with the issues.

I suspect that my interpretation of the issues which remain to be discussed is different from what the Chairman has in mind, as he refers to them on the agenda. That is, the issues I feel we should discuss are questions which concern the purposes for establishing bilingual districts. A number of different purposes have been evident in our meetings and visits - the provision of federal services, the boost to the moral of the minority group, the lever for acquiring other services - these are probably the three main ones. What I wonder is: for which of these purposes is a bilingual district the best mechanism?

We spoke from the very beginning of our work, we talked of bilingual districts as a way of ensuring two unilingualisms. Does that suggest, for example, that bilingual districts should be declared only where an individual can lead a full life unilingually? That is, small isolated communities and even, I am afraid most of Nova Scotia, really do require English, even though one wants to preserve French; whereas in the northern part of New Brunswick, for example, it is obvious that people can have a full community life without speaking English. Should we take this matter of two unilingualisms seriously?

} re federal



All Members,

FROM
DE D. G. Cartwright,

SUBJECT
OBJET Bilingual Districts and Bilingual Communities.

SECURITY CLASSIFICATION DE SECURITE
OUR FILE N REFERENCE
YOUR FILE V REFERENCE
October 4, 1973

Since the proposals contained in the memorandum of May 23rd, 1973, seem to have generated more heat than light, I would like to amend the original concept slightly and to expand upon one level of the hierarchical ordering - the bilingual community. I have also attempted to incorporate a résumé of the arguments against a two-tier proposal.

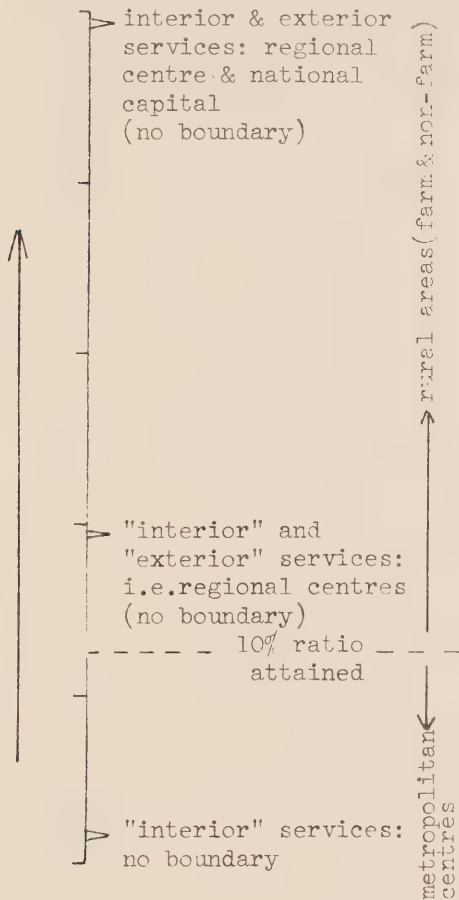
In applying the concept to areas outside metropolitan centres, I have applied three basic questions to those regions which have a low absolute minority population, a negative growth trend, and an apparent aversion to the application of districts because of real or imagined neighbourhood hostility.

1. How well will the inhabitants relate to the districts that are created?
2. By erecting boundaries are we generating conflict and competition rather than co-operation?
3. Are bilingual districts the best method to sustain the minority group for all regions in Canada?

By eliminating "territories" from the original concept of an hierarchy of bilingual divisions, we are left with a two-tier application - bilingual districts and bilingual communities. To determine whether the latter is applicable I wish to suggest a simple scaling.

...2

Scale of Bilingual "Community" Services



At the lower level of the scale, it would be possible for the government to avoid establishing boundaries and hence, there would be no legal status in perpetuity. But local services could be maintained under Section 9(2) of the Official Languages Act. If there is a decline in the minority population of this "community," so that it falls below 10% and resultant boundary adjustments to re-establish the required ratio become difficult or impossible, the government is not faced with a relict "district" in which the minority population neither requires nor wants services in their mother tongue.

This appears to be the most objectionable interpretation of the hierarchical concept for if the region now has the 10% ratio, the mandate of the Board requires it to consider the area for "district" status. By denying the region this status, the people are being refused the right to federal services in one of the official languages.

It seems more reasonable, therefore, to apply this level of the scale to the large urban centres in which the minority population does not attain the 10% ratio.

This is not the only application of the "bilingual community" concept, however. If one moves up the scale, beyond the 10% attainment line, is it possible to extend the opportunity

1. This may be in terms of absolute numbers (e.g. Saskatchewan) or assimilation, or both, in which the ratio of language-of-the-home to mother tongue is lowered.

for federal services in either of the official languages? People function within their neighbourhood and may already be able to deal with local federal offices (e.g. Post Office) in their mother tongue. By placing boundaries around these "communities" patterns of human interaction are not changed. In fact placing a boundary around this community may lock in the services and, therefore, boundaries will do nothing to extend the use of the minority language beyond the neighbourhood. On the other hand, if government departments within the major service centre (a part of the "movement field" of the minority group beyond the level of the neighbourhood) are encouraged (or required) to provide services in both official languages, the inhabitants are now able to receive services in the language of their choice beyond the neighbourhood level. Hence, they are provided with federal services at two levels of interaction (their neighbourhood and their region) instead of just one as in a district. This may reinforce the viability of a region which may now be eroding. If inhabitants perceive this type of service as meanful, provincial agencies can be encouraged by these people to provide a similar pattern.

The argument against this application of the concept is that such a recommendation goes beyond the mandate of the Board by suggesting an amendment to the Official Languages Act. No implication of amendment need accompany the report of the Board. Indeed, it may seem reasonable to recommend a particular "district" to cabinet but, as an addendum, point out that the designation of "district" to this region may not be the best way to sustain the mother tongue language of that community. Cabinet may be asked to consider an alternative. However, the Board has met its obligation by recommending that this area could be designated as a bilingual district. If the government is reluctant to recognize very small "districts" scattered across the country, they have been provided with the suggestion for an alternative procedure. Is it not possible that the government would recognize the need to provide for these smaller, less viable regions and be more amenable to recommendations for language services from their regional centres (e.g. Redvers, Zenon Park-Arborfield, Legal-Morinville, etc.)?

Is it feasible to consider "significant demand" within this concept of an hierarchical ordering of bilingual divisions? Could this arrangement provide a framework that would permit individual departments to identify significant demand? Consider also that these departments may be able to determine what constitutes a principle office according to the application of districts and communities to their own modus operandi.

BILINGUAL DISTRICTS ADVISORY BOARDPrincipal Offices and Significant Demand

From the very beginning of the enquiry, Board members have been concerned with the wording of certain parts of the Official Languages Act and, in particular, with the definition or interpretation to be given to the expressions: "principal offices in a federal bilingual district" - "significant demand". The interpretation part of the Act under sections 36, 37 and 38 sheds no light on the subject.

The same expressions, together with "bilingual" and "unilingual", have been haunting every government department, and especially the Secretary of State and Treasury Board ever since the Act was passed in 1969. The Commissioner of Official Languages has not escaped the definition problem in his role of ombudsman and conciliator. He has indicated to the Board his hope that a broad interpretation would be made of section 9 of the Act, one that would have far-reaching and meaningful effects on government departments and agencies at time of proclamation of bilingual districts.

Short of amending the Act or submitting it to a ruling by the courts (not a likely event for some time), a solution seems to hinge on a recommendation of the Advisory Board which has been appointed under the Act and its acceptance by the government at time of proclamation of bilingual districts. I do not believe that in the absence of a legislated definition such action could be considered ultravires. Without a clear definition, the two expressions under review have no dimension or useful meaning except for the escapist.

In its deliberations, one would expect the Board to consider the intent of the legislators to:

(a) protect and insure the rights of the official language minorities in their dealings with the Federal Government departments and agencies,

(b) extend services in the two official languages to as many of the minorities as is feasible, and

(c) ensure federal departments and agencies are not permitted to obviate the obligation to provide bilingual services.

Services Offered

Having defined "principal offices", it would then be necessary to consider:

(a) the services thus made available to the minority population of a bilingual district in comparison to that available to the majority,

(b) the services offered the minority of one district in comparison to those offered to the minorities of other districts, and

(c) the lack of services for large minorities not constituting the minimum 10% criterion.

In a paper dated August 11, 1972, entitled "The Concept of Bilingual Districts and What It Entails in Practice", Dr. Mackey discussed the question of parity in projected bilingual districts. Few would question the fact there is no parity in the services offered to the majority and minority of bilingual districts, the minorities of different districts or between all minorities meeting the 10% criterion and large minorities not meeting that criterion.

The Port au Port minority population or that of any small district would only receive services in their official language from the local Post Office. In all other services available outside their district, they must resort to the majority official language.

The minority population of Montreal, on the other hand, could receive all federal services in its own official language.

Finally, the minority population of Ellice-St-Lazare numbering 620 would receive services in its official language whilst the 37,000 minority in Toronto or the 17,000 minority in Vancouver would be denied.

Again the Board must devise the means to equalize the treatment of as great a number of the minorities as is feasible and so advise the government.

The Act provides an intermediate status between that of the bilingual district and the non-bilingual district.

According to section 9(2) of the Act, each of the federal departments and agencies (more than 150) has "the duty to ensure, to the extent that it is feasible for it to do so, that members of the public in locations other than those referred to in that subsection (9(1)), where there is a significant demand therefor by such persons, can obtain available services from and can communicate with it in both official languages".

"Significant Demand"

Each department and agency must therefore decide on the frequency of the occurrence which makes it significant, if it is feasible, if it is available, if it is requested. Authority is usually delegated as well, for the sake of decentralization to the thousands of office managers across the country to make their own decisions. Notwithstanding all wishfull thinking, section 9(2) cannot be an effective means to bring about the provision of services in both official languages, unless the Advisory Board, in keeping with its findings, makes an appropriate recommendation, to derive from that section a proper utilization in an orderly manner.

Members have witnessed in the Yarmouth-Church Point-Digby area the contentions of the public servants and the strong denials of the minority population as concerns equal services or services at all in the language of the minority. They must specifically request and insist, accept the delays and intermediaries.

If, in addition to services available from within, all offices serving a bilingual district from outside were to consider the existence of a bilingual district in their jurisdiction a "significant demand", all federal departments and agencies would be obligated to provide services in both official languages to all bilingual districts, large or small, urban or rural, equalizing for the bilingual districts the services provided in both official languages. As most departments provide services from regional offices located in major urban centres, an added advantage would accrue to the minority population outside the bilingual districts which would then benefit from the same available services, thus reaching almost the totality of the official language minorities in the country.

The added advantage to the application of this concept is that without additional effort and expense on the part of the federal government, substantial communities could be satisfied with services in both official languages without having to be declared full-fledge bilingual districts.

Contingent upon the acceptance of this principle, it would be possible to exclude, from the bilingual districts proper, the necessary and related service centres which at times contain a very high combination of the majority and other ethnic groups.

In the case of marginal areas they would be permitted to develop their own identity until the next census and be known as bilingual communities to be recognized as bilingual districts by the next Board, if warranted.

Suggested Recommendation:

The Board considers the government has an obligation to make its services available to the minority population of a bilingual district to the same extent it does to the predominant group. Departments and agencies may be located within a bilingual district to meet the actual need of its population as a result of the population density, convenience, geography or a number of other reasons.

The disparity between districts is such that equality would not be possible between them any more than between them and the rest of the population. Their creation would be meaningless and they would become the pawns of the administrators.

The Board has gone to great lengths to study the needs of the large minorities in metropolitan areas who do not meet the 10% criterion and it should be possible for the government to satisfy their need on the basis of Section 9(2) where these needs have been identified and are so recommended for the application of the significant demand clause.

We therefore recommend the existence of a bilingual district within the area of jurisdiction of any federal office be considered a significant demand as defined in section 9(2) of the Act and that provisions of section 9(1) be made to apply to the same extent as if the office was located within the bilingual district itself.

We further recommend that in urban areas where a large minority has been identified, although below the 10% criterion, the significant demand clause be similarly applied.

Finally, we recommend that, under article 9(2), services in both official languages be provided to those areas recognized as "bilingual communities".

Roland Morency



MEMORANDUM

NOTE DE SERVICE

TO
A

To all members

FROM
DE

P. Morency

SECURITY CLASSIFICATION DE SECURITE
OUR FILE N REFERENCE
1823-1
YOUR FILE V REFERENCE
DATE
February 5, 1973

SUBJECT
OBJET "Principal Offices in a Federal Bilingual District" - "Significant demand"
Interpretation.

From the very beginning of the enquiry, Board members have been concerned with the wording of certain parts of the Official Languages Act and, in particular, with the definition or interpretation to be given to the expressions: "Principal Offices in a Federal Bilingual District" - "Significant Demand". The Interpretation part of the Act under sections 36, 37 and 38 sheds no light on the subject.

The same expressions, together with "bilingual" and "unilingual", have been haunting every government department, and especially the Secretary of State and Treasury Board ever since the Act was passed in 1969. The Commissioner of Official Languages has not escaped the definition problem in his role of ombudsman and conciliator. He has indicated to the Board his hope that a broad interpretation would be made of section 9 of the Act, one that would have far reaching and meaningful effects on government departments and agencies at time of proclamation of bilingual districts.

Short of amending the Act or submitting it to a ruling by the Courts (not a likely event for some time), the solution seems to hinge on a recommendation of the Advisory Board which has been appointed under the Act and its acceptance by the Government at time of proclamation of bilingual districts. I do not believe that in the absence of a legislated definition such action could be considered ultravires. Without a clear definition, the two expressions under review have no dimension or useful meaning except for the escapist.

In its deliberations, one would expect the Board to consider the intent of the legislators to:

- a. protect and insure the rights of the official language minorities in their dealings with the federal government departments and agencies,
- b. extend services in the two official languages to as many of the minorities as is feasible
- c. ensure federal departments and agencies are not permitted to obviate the obligation to provide bilingual services.

"Principal Offices"

Section 9 (1) of the Act states: "...at each of its principal offices in a federal bilingual district..."

The number of offices is therefore not restricted to the most important or highest administrative hierarchy.

All departments and agencies have their peculiar organization structure but none use the term "principal office":

Head office	Rural detachment
Central office	Municipal detachment
National office	Subdivisional office
Regional office	Mobile detachment office
Regional sub-office	Federal detachment office
District office	Armed Forces office
Local office	Base Headquarters
Area office	Command Headquarters
Municipal office	Station Headquarters
Divisional office	etc.

It remains for the Board to clearly define the meaning of "principal offices" as they relate to the federal services in bilingual districts.

Suggested Recommendations

"Principal Offices" are not defined in the Official Languages Act nor do they correspond to any specific level or type of activity. They may be Head Offices, Regional Offices, Municipal Offices or others. They may relate to administration, workshops, warehouses, laboratories, etc. They may be completely inward oriented or they may have dealings with the public.

We recommend that the expression "principal office" be construed to mean all offices through which direct communications to or from the public are made, in whatever activity and at all administrative levels.

Principal Offices in Federal Bilingual Districts

Having defined "principal offices", it would then be necessary to consider the services thus made available to the local population and the means to equalize the rights of these minority groups with those of the majority.

In a paper dated August 11, 1972, entitled "The Concept of Bilingual Districts and what it entails in practice", Doctor Mackey discussed the question of parity in projected bilingual districts. Few would question the fact that parity, between the districts considered to date, would not be possible if one limits the federal services only to those now dispensed from within. West End Montreal and Port au Port or Ste Rose, or the National Capital Region?

"Significant Demand"

According to section 9(2) of the Act, each of the federal departments and agencies (more than 150) has *"the duty to ensure, to the extent that it is feasible for it to do so, that members of the public in locations other than those referred to in that subsection (9(1)), where there is a significant demand therefor by such persons, can obtain available services from and can communicate with it in both official languages."*

Each department and agency must therefore decide on the frequency of the occurrence which makes it significant, if it is feasible, if it is available, if it is requested. Authority is usually delegated as well, for the sake of decentralization, to the thousands of offices across the country to make their own decisions. Notwithstanding Mr. Spicer's enthusiasm for section 9(2) as an effective means to bring about the provision of services in both official languages, I doubt anyone could seriously subscribe to this approach.

Members have witnessed in the Yarmouth-Church Point-Digby area the contentions of the public servants and the strong denials of the minority population as concerns equal services or services at all in the language of the minority. They must specifically request and insist, accept delays and intermediaries.

As the Board is essentially responsible to deal with the minorities which satisfy the criteria of a bilingual district, recommendations aimed at the language rights of the population in such districts will have more weight than those designed to satisfy the population which is excluded, where the government has assigned itself under section 9 the responsibility to decide how to best cope with the situation.

Yet if, in addition to services available from within, all offices serving a bilingual district from outside were to consider the existence of a bilingual district in their jurisdiction a "significant demand", all federal departments and agencies would be obligated to provide services in both official languages to all bilingual districts, large or small, urban or rural, equalizing for the bilingual districts the services provided in both official languages. As most departments provide services from regional offices located in major urban centers, an added advantage would accrue to the minority population outside the bilingual districts which would then benefit from the same available services, thus reaching almost the totality of the official language minorities in the country. The only exception might be the British Columbia minority serviced from Vancouver regional offices.

Suggested Recommendation

The Board considers the government has an obligation to make its services available to the minority population of a bilingual district to the same extent it does to the predominant group. Departments and agencies may be located within a bilingual district to meet the actual need of its population or, as it is quite often the case, as a result of the population density, for convenience, as an accident of geography or, a number of other reasons. The disparity between districts is such that equality would not be possible between them anymore than between them and the rest of the population. Their creation would be meaningless and they would become the pawns of the administrators.

We therefore recommend the existence of a bilingual district within the area of jurisdiction of any federal office be considered a significant demand as defined in section 9(2) of the Act and that provisions of section 9(1) be made to apply to the same extent as if the office was located within the bilingual district itself.


R. Morency.



March 10, 1973

MEMO TO: All Commissioners
N. Morrison
R. Morency
D. Cartwright

FROM: Eleanor Duckworth

RE: "Principal offices" and "significant demand"

I am very troubled by one aspect of the notion of "principal offices". I am troubled by it particularly in those areas where we might recommend a large bilingual district, which would incorporate quite large stretches where the minority is not represented. Let's take New Brunswick as a case in point. Colonel Morency suggested that by "principal offices" we should understand "all offices". I think it is clear that we cannot do that in any absolute way. It would be unreasonable to expect to have bilingual post office employees in many towns in southern New Brunswick, for example. So, if we have a district like the province of New Brunswick, I think it is clear that we cannot expect bilingual services to be offered in "all offices".

But then we have the renewed question of: how to establish which offices should be bilingual? And that is the question that the formation of the Bilingual Districts was meant to answer. If we have large bilingual districts, with large unilingual areas within them, we must have some other criterion for deciding which offices within those bilingual districts must in fact offer bilingual services. That almost amounts to defining the real bilingual districts within the bilingual district.



And to do that, we, ourselves, must revert to some notion of "significant demand", it would seem.

Is there any way that "significant demand" within a bilingual district can be a more workable notion than "significant demand" under 9 (2)? Or, perhaps, in establishing some guidelines for "significant demand" within a bilingual district, might we manage to establish criteria for "significant demand" outside bilingual districts?

Eleanor Duckworth,
Commissioner.

transcription from tape.

CONFIDENTIAL

ANNEX "A" TO:
12th General Meeting

BILINGUAL DISTRICTS ADVISORY BOARD

Verbatim report of a Meeting with Mr. B. Smith of the Department of Justice on various aspects of the Act relating to interpretation and possible recommendations.

12th General Meeting, September 14, 1973

- Chairman - I don't think I have to introduce Mr. Smith as he is an old friend of the Board. We appreciate his coming very much because since his last appearance, we have reverted to some of the questions that were raised at that time and we are badly in need of wise legal counsel. We have at least two excellent legislators amongst our members, some amateur ones and some professional, but we need to have your reflexion, in particular, from the point of view on how you think our proposals may be interpreted in practical facts. We thank you again for coming and we will not take too much of your time. I suggest that we conclude our discussion with you by 11:30.
- Mr. Smith - I am available for the rest of the morning and furthermore, I don't know how much help I can be on some of these questions.
- Chairman - Let us take a shot at this timing of 11:30 as we have a great deal to accomplish in our work in other respects and I would hope to terminate by 11:30. Neil Morrison sent you some papers touching on the problems on our mind and I suggest that we might simply use them as a guide and if the members have other points they wish to raise, this may be done afterwards. So let us look at the letter and point 1. "Would the Board be free to make recommendations for more than one kind of locality or is it confined to making recommendations

for the proclamation of bilingual districts per se?"

Mr. Smith - If I could speak of that now, I have reflected on this not only since receiving this letter but also as a result of what Neil mentioned to me previously and I suppose that the legal answer is that you have a mandate in the Act to do certain things and that relates to things called "bilingual districts" which have definite criteria and characteristics. I suppose my initial reaction is that perhaps this is largely a question of policy, even though I might give you a few observations I have on that. It occurs to me the Board ought to make sure it fulfils its obligation under the Act, in other words, if it makes recommendations envisaged by the Act in respect of the kind of thing that is called for, assuming that is done, it seems to me that it is somewhat a matter of policy and procedure as to whether you want to go beyond as a result of your considerations. My own personal feeling is that it is probably a valuable thing, provided it's not carried too far and provided that is very clear that it is what you are doing. You may simply say to the Government, we have done the job and here are a few gratuitous comments to help you do yours. I would think that perhaps in this respect, discretion might be the better part of valour, in a sense that it might be wise to take some soundings, say with the Secretary of State, before embarking on a too far reaching recommendation that goes beyond your mandate. That is, of course, up to you as is everything else that goes into your report. There may be points that concern the Government, I don't know, I am not privy to those considerations if there have been any. But I would suppose that the Secretary of State is the logical person to test it out on. I suppose one final reflexion is that the further you go beyond your mandate, and I don't say you're departing from your mandate, but going beyond your mandate, you

will have fulfilled your obligations according to the law. You have come perhaps into some contentious areas and you are as good if not better judges of that than I and perhaps even the Secretary of State. I suppose when you come to the stage of really questioning some of the concepts within the statute you are really saying in fact that the statute ought to be amended. And I suppose that you could come to the stage where you say that you doubt that the concept of the bilingual district itself is valid. I suppose this is all I can really say on that. I do say it is a policy question for you ultimately to decide because it will be your report and the only caveat is that you have to be sure that you fulfil your mandate under the Act. What you want to add, if you make clear your adding it, and the degree to which you do, seems to be within your discretion. However, the further you go, the more you may go into the realm of Government.

Mr. Fox - I think you have made this point very clear now.

M. Savoie - Est-ce que nous pouvons poser des questions au fur et à mesure que les explications sont données? Alors disons que sur ce point, moi j'ai une question précise qui a peut-être amené votre invitation ici, mais c'est précisément de savoir si nous faisons une recommandation qui est au-delà de ce qui est prévu dans la Loi, quelle est la valeur réelle de cette recommandation en terme d'application positive par après. Par exemple, je prends les deux cas de M. Cartwright ici sous lequel il avait été suggéré que nous puissions recommander des communautés bilingues, en plus des districts bilingues mais qui seraient autres choses définies par des critères qui ne sont pas dans la Loi. Il était aussi question de territoires bilingues qui seraient d'autres choses encore. A supposer que nous fassions une telle recommandation pour une communauté bilingue, qu'est-ce que ça vaut par après en fonction du gouvernement qui devra mettre en application nos recommandations.

M. Smith

- Je crois d'abord qu'il y a une question de la Loi. Est-ce prévu dans la Loi ce que vous allez recommander? Si ce n'est pas prévu, est-ce qu'on peut le faire en dehors de la Loi? C'est-à-dire si vous prévoyez dans votre rapport d'atteindre le service donné par un ministère du gouvernement fédéral dans un territoire qui n'est pas désigné comme district bilingue. Il se peut très bien que ces services-là puissent être donnés facilement dans le cadre des conditions normales d'un ministère. Ca revient à une question de politique interne du gouvernement s'il veut le faire ou non. Ce n'est plus une question d'obligation. La première question est de savoir s'il y a le pouvoir et je crois que dans la plupart des cas le pouvoir est certainement là. Il s'agirait à ce moment-là des pouvoirs des ministères et des pouvoirs du gouvernement fédéral selon les autres statuts qui donnent aux ministères certaines obligations et responsabilités. Reste à savoir si une telle recommandation serait bienvenue de la part du gouvernement. Ca c'est une question beaucoup plus difficile. Evidemment, le gouvernement a beaucoup d'autres soucis quant à ses services et aux services dits bilingues, les services dans les deux langues officielles, du côté de l'efficacité, disons, des fonctionnaires et du côté du budget. Donc, si vous allez au-delà de votre devoir ou de vos obligations selon la Loi sur les Langues officielles et vous recommandez que le gouvernement fasse certaines démarches, disons, au-delà de ses responsabilités selon la Loi, vous entrez, au fur et à mesure que vos recommandations s'engagent dans la politique gouvernementale. Ce serait très difficile à dire si le gouvernement va suivre la recommandation ou non, c'est une question de politique, c'est une question que le gouvernement...c'est une question, disons, de "credibility" du Conseil.

- M. Savoie - Je vais continuer, peut-être, je voudrais reprendre cette question-là. Disons que ma préoccupation, moi, est de savoir quelle sera la réaction du gouvernement, du Secrétariat d'Etat, peu importe qui est concerné, en face de nos recommandations en rapport avec le Conseil, le mandat du Conseil et la Loi qui nous régit. Maintenant, je prends un exemple concret parce que c'est encore plus facile. Prenons le cas de Labrador Ouest qui est un cas qui rencontre tout juste les critères prévus par la Loi, pour rendre possible la création d'un district bilingue. Il y a le 10%, le territoire est défini selon la Loi, on a fait les consultations voulues et on peut, si on veut, recommander un district bilingue, mais c'est quand même un cas douteux, il y a 10.2% ou 10.5% ou quelque chose comme ça. A supposer qu'on dise "Bien, écoutez un peu, parce que c'est douteux, parce que c'est pas sûr ce qui va arriver, eh! bien, on va recommander que ça devienne une communauté bilingue. Voyez-vous, communauté bilingue n'est pas prévue dans la Loi et n'a pas été envisagée par le Parlement et ainsi de suite. Quelle sera la réaction du gouvernement devant une telle recommandation venant de notre Conseil?
- M. Smith - Disons ceci, je ne peux pas parler au nom du gouvernement, même en ce domaine, et je n'ai pas affaire directement avec la politique du Secrétariat d'Etat, vous aurez donc simplement ma réaction. Il y a ceci d'abord, si vous n'essayez pas de créer par un nom différent quelque chose qui est un district bilingue en réalité, si vous dites, par exemple, que le gouvernement doit étendre et doit utiliser l'article 9(2), par exemple, dans un territoire donné que vous avez décidé ne mérite pas d'être créé un district bilingue, alors c'est une recommandation dans un sens en dehors de votre mandat, mais ça me semble que le gouvernement peut le considérer si le gouvernement a les moyens de remplir les obligations que vous considérez il doit avoir.

Si vous essayez de créer une nouvelle sorte de district bilingue qui n'est pas prévu par la Loi, il y a des questions à ce moment-là. Ce que vous avez, ce n'est rien qui est connu dans la Loi. C'est simplement quelque chose que vous avez collectivement élaboré et ça me semble beaucoup plus facile peut-être, du point de vue de vos recommandations, ce serait beaucoup plus acceptable, si vous n'essayez pas de créer de nouveaux concepts mais plutôt d'utiliser des concepts dans la Loi et la Loi, je crois, est aussi assez flexible pour admettre ce que vous voulez faire sur le plan pratique. Ça me semble, et c'est mon opinion personnelle que si vous vous lancez dans la voie de créer de nouveaux concepts, actuellement non prévus dans la Loi, ça va peut-être créer des problèmes. Si je peux ajouter, il me semble qu'il vous serait possible de considérer, de recommander au gouvernement qu'il considère l'amendement de la Loi pour créer des territoires qui ne sont pas des districts bilingues mais qui répondraient à d'autres critères. Ça c'est possible aussi.

Miss Duckworth- You suggested that it might be one of the more acceptable suggestions according to our mandate to stress certain areas where 9(2) can be applied, is that right?

Mr. Smith - What I was really saying is this. It seems to me that if you are going to go beyond your mandate is a matter of policy for you to decide and how far you go, beyond your mandate, of course, the more you potentially expose yourself to criticism. If you are going beyond your mandate and you want to say "well instead, in a particular district which we have examined, we might want to recommend a bilingual district but, for various reasons, we don't think it should be created a bilingual district. We do, however, think that services should be provided in that district using section 9(2)". What I was trying to say is that if you say, instead, we think this should be created some sort of bilingual community you have a concept which is not known in the law and I think that reaction will be "what are they doing?".

Miss Duckworth- What you are saying is that if we do not think a bilingual district should be created but we do think services should be provided, you believe this would be more acceptable.

Mr. Smith - Yes, I think that would be more acceptable than bringing in a new concept which is not in the law although it did occur to me, after mature reflexion, if you want to say to the Government in your report "we think there ought to be something other than bilingual districts that might be called community districts, that would be something else again. But to create that for the purposes of your report and categorize things, again it is my personal reflexion that perhaps you are going further than the mandate.

Chairman - There are several people who would want to speak, Dr. Lamontagne were you on this point?

Mr. Lamontagne- Yes.

Chairman - Well, this is fine, then Dr. Mackey then Col. Morency.

Mr. Smith - May I carry on with this point of view before we go further? You appreciate that the Government in Council is not obliged to accept what you recommend. What I am getting at is that whether you recommend or do not recommend will not ultimately necessarily determine whether it will be created a bilingual district or not.

Chairman - It is engraved in our hearts that we are fulfilling an advisory role. Dr. Lamontagne.

M. Lamontagne- Ma question va justement porter sur la section 9(2). Comment pourrions-nous rattacher la recommandation de quelque chose qu'on appellera X sous la section 9(2)? Parce qu'il y a quand même dans la Loi, cette section qui existe. On peut recommander, appelons-le territoire, communauté, ou toute autre chose, mais il faudra l'appeler quelque chose, alors, si

on ne peut pas l'appeler communauté, qu'est-ce qu'on peut dire? C'est notre intention de recommander que dans une certaine région, le gouvernement fédéral devrait essayer d'assurer les services, qu'il y a une demande suffisante.

- M. Smith - Si un problème particulier que vous avez découvert pendant votre enquête il est très bien de le signaler. S'il y a, par exemple, parmi les ministères un qui a un grand bureau dans un territoire donné, et les autres n'ont que de petits bureaux ou n'en ont pas, alors peut-être qu'il faut signaler que dans ce territoire il y a un bureau, disons le Ministère de l'Immigration, qui a beaucoup de travail à faire et qui traite avec les gens du territoire qui sont de la langue française et qu'il est considéré que ce serait une bonne chose que le gouvernement assure les services du gouvernement dans les deux langues. Mais nous ne parlons pas maintenant de la Loi. Vous voyez, je vous donne des réflexions à titre personnel et là nous parlons de questions essentiellement politiques. C'est en dehors de votre mandat, mais ça se rattache au travail que vous avez fait. Alors tout ce que j'ai voulu dire c'est que ça me semblait plus acceptable si vous ne créez pas de nouveaux concepts dans votre rapport, sauf peut-être à un moment donné, de signaler qu'il y a lieu de considérer peut-être la création d'un nouveau concept pour répondre à ce genre de travail que vous avez signalé ailleurs dans votre rapport.
- Chairman - May I suggest that we come back to 9(2). I think there is so much to say about this section that we should stick to it and clean the air. We have to determine the extent to which we may make use of it.
- Mr. Mackey - I have two general questions. Short ones. The first one is this, "Who is responsible for interpreting these sections of the Act under which we function?"
- Mr. Smith - Well, I suppose that ultimately you yourselves are responsible. I find myself called upon to give you legal advice which you may or may not require but I don't know who else is is going to help you.

- Mr. Mackey - In other words we can interpret the meaning of the sections of the Act under which we function.
- Mr. Smith - You must, in order to prepare your report. But that does not mean that your interpretation is going to be accepted. But you obviously have to make one, otherwise you could not prepare your report.
- Mr. Mackey - Now, my second question, and I will make it short too, "can we state that in such and such a case this or that section applies?
- Mr. Smith - Well, you can state that it appears to be applicable and I will make this additional remark if I may, which comes out of the papers which I have received, I don't see how you can say to Departments how to carry out their responsibility under section 9. That is perhaps a distinction that is very important. But it would appear to me, and I suggest as I said about 9(2) a moment ago, there are means under the Act to do certain things which would appear to be required where a bilingual district is not recommended.
- M. Savoie - Suite à la même question. Pour faire suite à ce que M. Mackey disait que supposant que nous faisons une certaine interprétation de tel ou tel article de la Loi et que notre interprétation soit fausse sur le plan juridique et que nous envoyions ces recommandations là-bas, je présume que le Ministère d'Etat va s'adresser à vous ou à ses conseillers juridiques pour avoir une interprétation. Alors quelle sera la réponse à ce moment-là?
- M. Smith - J'espère qu'ils vont venir me consulter et j'espère que j'aurai la même réponse que je vous donne maintenant. Je ne peux pas parler au nom de mon sous-ministre et j'espère que si ça arrive là il me donnera son appui. Alors on ne peut pas garantir que ça sera la même interprétation mais je crois que dans la plupart des cas il n'y aura aucun problème.

- M. Savoie - Ca revient à dire ceci, c'est que le Conseil doit s'efforcer, en interprétant les articles de la Loi, d'y placer la meilleure coloration juridique que possible sans quoi on risque de faire fausse route et de faire rejeter nos recommandations sur ce plan-là.
- M. Morency - Au risque de défendre le document que j'avais préparé sur ce sujet, vous mentionnez le terme "communauté" n'est pas déjà reconnu dans la Loi. Par ailleurs, si le Conseil disait avoir reconnu, dans certaines régions, un besoin qui n'atteint peut-être pas tout à fait le degré de nécessité du district bilingue tel que conçu, ou qui même, dans certains cas, l'atteint avec certains doutes sur sa viabilité et que l'on ne veuille pas en faire un district qui sera perpétué inutilement, à ce moment-là, si on a recours à la section 9(2), disant nous reconnaissons ces régions appelées communautés ou autres choses du genre, après avoir expliqué le concept, il se peut fort bien que dans ces régions-là le Conseil recommande que les services soient donnés sous l'article 9(2) comme étant quelque chose de valable, dans les circonstances. Maintenant si c'est fait à l'égard d'une région qui compte déjà le 10% et qui est déjà en deça de la Loi, ce sera sûrement plus valable que si c'était fait à l'égard d'une région que ne compterait que 7% ou 8% de la population minoritaire. Est-ce que cette conception-là est acceptable?
- M. Smith - Je ne peux pas dire que c'est acceptable ou pas acceptable. Tout ce que je voulais souligner c'est que je ne crois pas personnellement que ce serait une bonne chose pour le Conseil de créer, n'est-ce pas, dans le cadre de son rapport, des concepts autres qu'un district bilingue. C'est que ça me semble possible, si le Conseil veut le faire, et en prend la responsabilité, et à ce propos, c'est oui, de dire "voici un territoire qu'on a considéré pour devenir district bilingue,

mais on ne voulait pas faire cette recommandation à cause de certains facteurs, mais nous soulignons que là il y a un besoin que le gouvernement et les ministères concernés doivent considérer en fonction de leurs pouvoirs et responsabilités d'appliquer la section 9(2). Il y a des nuances il me semble, dans la manière que vous approchez votre problème et je ne dis pas que vous ne pouvez pas recommander d'utiliser le concept de territoires bilingues ou communautés bilingues. Je vous dis tout simplement que ma réaction c'est que c'est inconnu dans la Loi et votre mandat est étroitement lié à cette Loi et donc, ça va poser des questions dans la pensée des gens qui reçoivent ce rapport. Donc, il me semble que si vous allez au-delà de votre mandat, il vaut mieux que vous n'alliez pas trop loin et de ne pas créer de nouveaux concepts et de plutôt utiliser ceux qui sont dans la Loi.

- Mr. Morrison - Subsequent to what you said about mandate. Section 15(1) says what the Board should do and it says "to submit a report setting its recommendations, if any". How do you interpret findings and conclusions and when do you know if you're going beyond the mandate, strictly speaking?.
- Mr. Smith - You can, and this in fact is what I'm saying. You conduct an inquiry and you find out a lot of facts, and your object is to make recommendations with respect the bilingual districts and you say "well, this area does not correspond to what we think a bilingual district should be, notwithstanding the 10%, but, there is an area which merits some other considerations.
- Mr. Morrison - So findings and conclusions are modified by a recommendation for a bilingual district and these two things are tied.
- Mr. Smith - It seems to me, yes, obviously the purpose of the Board is not to make recommendations in the abstract but the purpose of making recommendations to the Federal Government with respect to bilingual districts. Now, things that relate to bilingual districts,

of course, are things that are opened to you, of course, and go beyond the actual recommendations territory wise. You can say we have examined territory Z and here is what we found. You may want to go even further than that and say well, looking at this thing we found that really the concept of bilingual district is maybe a little bit too rigid. And possibly, some consideration should be given to it. Maybe you want to say that the concept of bilingual district is too rigid and difficult to apply. You may want to say that many of these small districts in Manitoba are not going to be equal to those that you could find in Montreal and, does it make any sense? And this might be something that, it appears to me, you would want to underline.

Chairman - I think there are other questions perhaps Judge Monnin.

Juge Monnin - Non, ma question a été répondue

Chairman - Then Dr. Mackey.

M. Savoie - Si vous permettez, la question que je voudrais qu'on considère un peu plus, c'est le résultat pour une région donnée d'être désignée district bilingue ou bien d'avoir une sorte de recommandation vague au gouvernement de s'en occuper de façon spéciale. Je trouve que lorsque nous recommandons un district bilingue et que la recommandation est acceptée, si cette région-là devient district bilingue, la Loi spécifie très clairement les obligations du gouvernement fédéral et ça donne une série de bénéfices concrets. Si on fait une recommandation générale de s'occuper de cette région-là, parce qu'il y a 10% ou le 9.5% ou 11.2% et qu'on voudrait que le gouvernement s'en occupe, eh! bien, on tombe évidemment sous l'article 9(2), on en discutera tout à l'heure, mais moi j'ai beaucoup moins confiance que M. Spicer et d'autres personnes dans les vertues de l'article 9(2), mais en réalité je trouve qu'on n'accomplit pas beaucoup pour la minorité officielle de cette région que le Parlement voulait protéger en définitive.

Je crois qu'il est bon de s'attarder quelque peu sur ce point-là, quel sera le résultat ultime de l'une ou l'autre recommandation.

- M. Smith - Je suis complètement d'accord que selon 9(1) il y a certains droits qui découlent de la création d'un district bilingue. Je suis d'accord aussi que 9(2) est plutôt vague. Mais si vous considérez ce qui va être donné, ce sont les services du gouvernement fédéral. Si vous créez un district bilingue quelque part en Saskatchewan où le seul bureau principal est un bureau de poste, sur le point pratique, il y a certains droits qui découlent de ce district bilingue. Je peux entrer dans ce bureau de poste et je peux me faire servir, n'est-ce-pas, soit en anglais, soit en français. Si je ne suis pas servi dans la langue de mon choix, je peux déposer une plainte auprès du Commissaire aux Langues officielles. Tandis que si j'entre dans le bureau de poste de Toronto, peut-être que je ne peux pas, ou plutôt je peux déposer ma plainte, mais il se peut aussi que ceci ne donne pas suite. Cependant, dans mon optique, les services donnés à Toronto dans l'aéroport, dans le bureau de poste, dans les deux langues officielles est beaucoup plus important sur le plan global parce que ça touche une population plus considérable et je dois dire que les sanctions qui semblent exister après la création de districts bilingues selon 9(1), peuvent être quelque peu éphémères dans le sens qu'on n'a pas l'occasion d'utiliser ces sanctions. Tandis que, à Toronto ou à Vancouver, nonobstant que ce n'est pas un district bilingue, il y a des gens qui vont déposer des plaintes auprès du Commissaire aux Langues officielles et je sais que le Commissaire actuel va les poursuivre nonobstant que ce n'est pas un district bilingue. Alors ceci me semble sur le plan pratique, ce qui est d'opinion personnelle, beaucoup plus important, et ça me semble plus directement lié aux services qui sont donnés dans les districts bilingues selon 9(1).
- M. Morency - Dans ce que vous dites en dernier lieu, il n'y aurait aucune alternative et l'obligation serait là pour le gouvernement qui aurait accepté la recommandation pour un district bilingue. Dans le cas de 9(2), ça devient

facultatif jusqu'à ce que le gouvernement ait reconnu cette recommandation et ait donné des directives aux ministères. C'est toujours une possibilité, même dans le cas des districts bilingues, sous 9(1), puisqu'ils peuvent aussi rejeter la recommandation et à ce moment-là elle n'aura plus aucune valeur, mais de la même façon, 9(2), lorsqu'on dirait qu'il y a lieu de donner des services, si le gouvernement l'accepte, il peut donner des directives à la Fonction publique que dans certains cas ça sera considéré une demande suffisante et on verra à donner les services.

M. Smith - L'obligation est là quand même si les conditions sont remplies.

Chairman - Mr. Cartwright.

Mr. Cartwright- I would like to make one or two general points. But what I was going to ask has already been partially answered by what you said to other questions. But I think there is perhaps a difference, just for my own edification, as a discipline which applies to a social scientist, I think that in my interpretation about what the Board has been doing is that, I am not prepared to assume at the outset that the law, having been passed, could be applied equitably. In other words, it was a decision given in one's work from there. I am wondering if the Government would accept the recommendation from the Board, having investigated the feasibility of applying the law and finding that indeed in some areas if this law is applied it would reinforce a trend, but in other areas it might be destructive, and if the decision makers look at this and say, well here is a body that has tried to take a law that we have passed and applied it and has found it wanting, that perhaps we were not fully aware of the realities across Canada in formulating this law and indeed it does need some flexibility. How possibly would the decision makers envisage this possibility?

Mr. Smith - Well this is my problem, you see, we are dealing here in an area of policy and I can't give you the answer to that, but I can say what my reaction is. My reaction, and I have had something to do with this legislation for quite a long time now, I am delighted when somebody comes along and makes that kind of suggestion. Because those are the kind of reflexions that I try to make from time to time and I can't always reach someone's ears. But I can't say to you and advise you to go out and change the law. May I take a moment and make the genesis of 9(2). I don't purport to tell you what 9(2) means. Because, Judge Monnin will correct me I am sure, I cannot say what positively was intended by 9(2) but I know where 9(2) came from, very well. Perhaps for that reason, I look at it perhaps with more favor than other people. Given these two qualifications, when the Act was drafted and thrown out for the views of the provinces in 1968, you may recall there were some howls and screams and in 1969 there was a conference, a constitutional conference, and a number of problems were raised by the provinces. At that time, the Government undertook, (and please don't write too much on this), and decided to see what they could do to fix it up. Now, off the record, and I think the Government was quite clear at the time, they were afraid of a constitutional challenge to the legislation. So the Minister of Justice went to the provinces in the West to discuss with the Attorney Generals who said "listen, we cannot apply this in our courts and so on", and we were advised by the people who had to do this on the ground of some of the problems of which we had not been advised of and this happens with any legislation. In any event, we proposed certain changes which seem to be acceptable to keep these Attorney Generals out of court and we also visited the Maritimes and visited the provinces and the last visit we made was with Mr. Bertrand in Quebec City and he had two or three points to make although these were not necessarily the same as the ones made by the Western Provinces. One of the points he had to make was about the bilingual districts. And he said "you know you are just creating

ghettos" and he did not like the concept. However, the Government was not prepared at that point to abandon the concept, but we did listen to his point that what was far more important were the large minorities in the cities of Canada where you have a moving population and where people are drifting in from the country to Toronto, Ottawa, Vancouver, and you had large minority populations that could fill the criteria established for bilingual districts, but he said "look, those are the important people and those are the people that you want to reach", and, coming back on the plane, I sat and started to scribble and I did not do it in these precise words but those are the results. And that is why I advised the Advisory Board to pay attention to 9(2). I say that to you, but you see we were looking for a way to open up the rather rigid concept of the bilingual districts and what you are now saying is that it does not always match, it does not always work. My answer to that is that as far as the Legislation is in question, that section was intended to open it up and while I can't say what Parliament's intention was, I know the Government's general view is that services should be provided under as broad a basis as possible. There are of course some practical problems which cannot be cured overnight, which look fine to me. This was to leave it open and not to create ghettos but to really leave open the the possibility that ultimately the services would be available country-wide and I felt that, and this is my personal opinion, 9(2) will ultimately take over and will become the criterion. Now I don't always agree with the Commissioner of Official languages but I know that he is also adopting this view and so I just say that in way off background which has nothin to do with the actual interpretation of what it says or what Parliament is said to have intended but certainly it was the Government's intention to open up and get away from the rigid concept of bilingual districts and say that where you can't find a bilingual district there will be other ways of doing this and in particular where there are large population concentrations.

Mr. Cartwright - But the idea, it seems to me, of communities is that where you could not possibly find a bilingual district if you work within the framework of the law, where there is a minimum of 10%, but you can turn 9(2) unto itself and say the creation of boundaries might have the opposite effect from what the law was designed for and therefore we will not establish a boundary but we will apply 9(2). You see, I think, it disturbs me a little bit firstly to say that going beyond the mandate leaves the Board open for criticism and it seems to me going beyond the mandate points out where the law is not universally acceptable, and where the law has weaknesses.

Chairman - May I just interpret what I think was just said and tell me if I'm wrong. I think Mr. Smith's point, and it is very clear, is that if we stick to the law creating bilingual districts, there is no problem. If we wish to make additional recommendations under 9(2), there is not much of a problem in terms of our legal powers to do so, but it may have less effect. But, I think he's also saying, is that whilst we are free to make additional recommendations under any subject under the sun, we then get into the problem of Government policy and finally, if we are to change the nature of our mandate by creating a new framework of reference without fulfilling the mandate of declaring any district, that is the worst of all possibilities. Because we have no legal basis for writing a report on the basis of a notion of bilingual districts, communities, territories. Am I correct?

- Mr. Smith - Yes, this is essentially what I'm saying.
- Mr. Cartwright - I accept that, but essentially I am wondering how receptive you are to the recommendation of applying 9(2) by itself and suggesting perhaps a new concept.
- Mr. Smith - I personally do not have very much faith. I am concerned about the concept of the bilingual districts per se. I am also much more concerned about extending services country-wide where required. In a sense, my own personal view is I am delighted when I see somebody saying "well we shouldn't be creating bilingual districts, we should instead extend the services". I know this is not what the law says nor what the Government policy is, but this is my own personal view.
- Chairman - Miss Duckworth.
- Miss Duckworth - One of the main features of bilingual districts as opposed to article 9(2) is the obligation that is imposed. If we are to take advantage of the flexibility of 9(2), are we giving up the obligation attached to 9(1)?
- Mr. Smith - That is also an obligation in 9(2).
- Miss Duckworth - Yes, there is an obligation which probably is the demand.
- Mr. Smith - What I was going to say is there is no sanction in this law, except the Commissioner of Official languages, for either 9(1) or 9(2) and therefore what does it really mean if you have a Commissioner of Official languages that is going to entertain complaints in areas outside of bilingual districts, as I think the present one will. You probably are going to serve exactly the same purpose. And my point, a moment ago, is how many complaints are you going to get out of a post office somewhere in Saskatchewan and how many complaints are you going to get out of the National Revenue office in Toronto? I would be inclined to think that the Toronto office is going to receive many more complaints in the long run if people are aware that services ought to be provided.

Chairman - I think we have several people who want to ask questions. Father Regimbal.

Father Regimbal- On parle beaucoup de l'intention du législateur dans la formulation de cette Loi. et puis, on semble par ailleurs avoir beaucoup de réserves à l'endroit de l'utilisation de l'intention de la Loi dans la formulation des recommandations. Alors la question que je voulais poser est de savoir, tout en étant très conscient de ce rôle très auxiliaire que nous avons, doit-on laisser à la bonne volonté du gouvernement toute la responsabilité de la décision à l'endroit de l'interprétation des intentions de la Loi ou serait-il recommandable de tâcher d'intégrer dans la formulation de nos recommandations une interprétation de l'intention de la Loi?

Mr. Smith - C'est assez difficile de répondre à cette question en dehors d'un cadre pratique. On vient de discuter la possibilité d'aller au-delà de votre mandat et la manière de le faire et les circonstances. Ce que j'ai voulu dire c'est que moi je ne peux pas donner ou de vous expliquer ce que le Parlement voulait en dehors de la Loi. Je peux avoir mes propres idées, mais ce n'est pas mon rôle de vous donner mes propres idées mais c'est plutôt d'interpréter la Loi, et au fur et à mesure que vous allez au-delà de votre mandat, vous allez dans le domaine essentiellement politique et essentiellement de la ligne de conduite du gouvernement. Donc c'est une question pour vous, est-ce qu'on va trop loin, est-ce que nos recommandations, étant donné que vous faites votre rapport sur les districts bilingues, votre mandat est rempli dans ce sens-là, ou bien combien vous devez aller au-delà du mandat, c'est une question très délicate dans le sens que si vous allez trop loin, ça se peut que votre rapport ne sera pas pris très au sérieux.

M. Regimbal - Si vous permettez, M. le Président, je voudrais reprendre ma question. Au-delà du mandat, cette idée-là n'est pas très claire, pour la simple raison que dans notre mandat il y a tout de même 9(2) et 9(2) a aussi une fonction pratique.

M. Smith

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M. Monnin

- M. le Président, il ne faut pas oublier quel est notre mandat et que nous ne sommes pas des législateurs, nous ne sommes pas des innovateurs, nous ne sommes pas des politiciens qui avons des politiques gouvernementales à élaborer ou à prendre. Nous sommes un Conseil consultatif dont les fonctions sont très précises. Il soumettra, regardez 15(1), c'est tout votre mandat. Il soumettra au Gouverneur en Conseil un rapport énonçant ses conclusions, ses constatations et notamment, le cas échéant, les recommandations relatives à la création de districts bilingues. Tout est attaché à district bilingue, ou à la modification des limites des districts

bilingues, mais nous ne sommes pas rendus là, nous n'avons même pas créé les premiers. Alors notre mandat est très simple, que nous l'appliquions et que nous regardions à 9(1) et 9(2) ça va, mais enfin 9(2) c'est au département et aux agences du gouvernement fédéral de le mettre en force. 9(2) dépend du Ministère, du département de mettre en force. Pour nous, il s'agit de délimiter et plus nous allons aller et nous éloigner de ce qu'on nous demande de faire, moins nous serons crédibles, moins nous aurons de valeur au point de vue du public, plus nous aurons l'air ridicule et plus nous mériterons peut-être que le deuxième rapport ait le même sort que le premier. Alors il faut faire bien attention de ne pas se donner un cadre qui ne nous appartient pas du tout.

- Chairman - Mon Père, est-ce que vous avez autre chose?
- Père Regimbal - Justement, est-ce que le Conseil est lié à ce point de vue, je voudrais le savoir?
- M. Smith - Sur le sens, quand j'ai commencé à expliquer, j'espère que j'ai été assez clair là-dessus, vous avez un mandat dans 15(1) comme vient de dire M. le Juge Monnin, il faut le remplir et ça c'est votre mandat. Vous avez d'autres constatations qui viennent de vos études, n'est-ce-pas, en remplissant votre mandat. Alors, c'est une question essentiellement pour le Conseil si vous voulez aller au-delà des recommandations absolument nécessaires au 15(1) et je suis complètement d'accord avec ce que vient de dire M. le Juge. C'est que plus vous allez au-delà de votre mandat, plus vous aurez un problème de crédibilité. Alors, c'est un choix assez difficile et la raison pour laquelle je veux suggérer de ne pas essayer de créer de nouveaux concepts dans votre rapport, qui n'existent pas dans la Loi. A mon avis, vous devriez les éviter, à moins que, à un moment donné, vous vous dites "voici selon notre rapport et selon ce que nous avons constaté, il y a lieu à considérer l'élaboration de nouveaux concepts tels que, peut-être, ceci et cela. Mais c'est au Conseil à décider s'il veut aller aussi loin que ça.

- Chairman - Mme Raymond.
- Mme Raymond - Ma question, M. Smith, est la suivante. Comment appliquer avec égalité une Loi à une situation qui est inégale, pour la rendre égale?
- M. Smith - Vous parlez de quelles circonstances?
- Mme Raymond - Je parle de la situation du Canada.
- M. Smith - Ecoutez, ce n'est pas une question juridique. Je crois que je vais laisser tomber cette question-là.
- Mr. Hickman - When you suggested that we should stay within the law, I think I can see how we could interpret 9(2) to cover the Toronto situation but what about the situation that when we say that there is 10% of the minority in a small region or large? We think we have arguments to recommend that it not be included in the bilingual districts. We are already beyond our mandate if we don't include it? Or may we include it under 9(2) without giving it a title since you said that we should not call it something?
- Mr. Smith - I think I suggested quite strongly that you should not give it a name but it is up to you if you do. All I was saying is this. First of all, fulfil your mandate, make your recommendations, make sure you do that, do what you are required to do by the law and, beyond that, you may have certain things that you want to say which you probably can properly say, since you have done this and that and examined the situation. There are other ways than a direct way, perhaps in getting a point across that you want to make. For example, I am not suggesting that you say 9(2) should be used in any particular circumstances. That is an obligation under both 9(1) and 9(2) for the departments of the Government and agencies, not even of the Government itself, but of the departments who have the responsibility and answer for their own sins.
- Mr. Hickman - All we could do would be to recommend that the people in those areas be given the services.

Mr. Smith

- Well, you might want to say that, but you may also want to say "we examined such and such territory and found that it has 16% of the minority people there. But for the following reasons, we felt it should not be created a bilingual district". The mere fact of including that consideration in your report might well cause the Government to say well we should provide services there. And its inclusion in your report in this fashion may well be cause to think. You may want to go beyond that and say "well, we think that the Government might well consider giving its services to the population by the various departments giving services there" and that may be possible too. You may want to take a step further and speculate on this possibility and say "we think that this is the kind of situation which the Government may want to consider and view it as another creature that we would call bilingual community". There is a whole spectrum of possibilities and the farther you go along in this spectrum, the more it seems to me you have to be careful. And this is perhaps the reason for my suggestion that when you get to the delicate matter of deciding exactly how far you want to go, maybe it would be a good idea to test with the Secretary of State so that you do not get into serious policy considerations. Because you're saying in effect you should amend the law to achieve this sort of thing. Did I make myself clear as we seem to be in fact saying the same thing but you seem to say in fact that the Act is binding in and that the framework is not necessarily suitable. All I can say as a matter of law, is that the framework is there, and you are required to make a report within that framework. The extent you want to go beyond that framework, having fulfilled your mandate, is a policy and there are these other factors which I suggest as personal views, as to how you might go about it and how you might be getting into some difficult waters, because I recognize that most boards and people, like the Commissioner of Official languages, who write reports, have a background of knowledge and want to say things about and beyond their mandate they think can be useful. But you do have a fairly technical mandate to fulfil. The degree to which you want to enter into the realms

of policy, the farther you go into the area of Government. You may want to talk to the Secretary of State at some time about the kind of things you're thinking.

- Mr. Hickman - It isn't our job to guess how our recommendations might make our report seem more palatable, more logical and yet we are influenced, I think, if we didn't feel these things, we would leave it to statisticians to decide where bilingual districts should be. To what extent, if we don't include the 16% area in a bilingual district, do we open up, not so much ourselves, but the whole business to criticism. You have not applied the law. There is 16% and somebody is liable to say "you should have recommended a bilingual district".
- Mr. Smith - Your entire report is open to that sort of criticism and where you do create a bilingual district you may have people that say "you should not have for other reasons." So, you have to call the shots, and I suppose all I was saying with respect to the 16% is that the mere inclusion of that, a discussion of that, may be sufficient to achieve an end which you see collectively as useful.
- Mr. Hickman - Could we say then, in other words, we consider this and it is our recommendation not to include it, but we don't make the decision. As you say, the Government might make it a bilingual district.
- Chairman - Dr Mackey and then Dr Lamontagne.
- Mr. Mackey - I would like to put the question in this context about the form and scope of our report insofar as it may or may not facilitate the implementation of what we recommend. In other words, the question here is this. Our recommendations have to do with the answer to the question: what. And in addition to that, the reasons. Do you think that it would facilitate the implementation of our recommendations if we were to, in each case or generally, state why we made this recommendation, why we made that one, why we didn't do this, rather than the case...

- Mr. Smith - Well, it seems to me that you are required to state your findings, conclusions and recommendations with respect to bilingual districts and what could be broader than that? In other words, it does not say that you are limited to describing what should be a bilingual district.
- Mr. Mackey - That is not exactly my question. My question is, from your point of view, and you have a lot of experience in the implementation of recommendations as you have seen many, is it advisable as a general rule to help the ministry and guide them and take them by the hand to say this is what and why we didn't do this as we could have done it. Or is it better simply to say in a cut and dry fashion...
- Mr. Smith - I don't think I can answer that in the abstract, but I suppose I can give you some sort of answer from the point of view of the last report, and it seems to me that if you have reasons in each case, then I suppose the implementation by those who study the recommendations if they don't want to do what you recommend, they are faced with the reasons and therefore would have to find better reasons not to do it, or, some completely different considerations which applied in the last Board for not accepting the report. But we had the study of the report and I suppose that when the first report recommendations were examined, had there been in each case more cogent reasoning, I suppose the problem of Quebec was a particular problem, and I suppose you could say that that was not really supported. I am just thinking back and you probably know more about this than I but it seems to me that that was the real stumbling block and possibly, and this is no disrespect for those who made the recommendations, but possibly the situation in Quebec, the recommendation, had it been defended in detail, maybe they would not have made the recommendation because when it came to be studied, it was found that the recommendation was not defensible. I am sort of doing this third hand, because this is not necessarily my view, but this, I think, was the conclusion of the

group that studied the report and perhaps Neil could say more.

- Mr. Mackey - To close this up, in other words, the more reasons you give for having made a recommendation, the easier you make it for persons who wish to implement your recommendations and the more difficult you make it for persons who do not, because they have to give contrary opinions. Is that what...
- Mr. Smith - More cogent ones, yes.
- Mr. Mackey - Yes this is it.

- Chairman - I think that Dr. Lamontagne and Mr. Savoie had questions to raise, and I suggest that unless they have new questions to raise, I would suggest that we go to the other points as we should not go beyond 12:30.
- Mr. Lamontagne- Just a short question to come to a summary of this. Je suis très surpris d'entendre que la section 9(2) ne fait pas partie de notre mandat au même titre que la section 9(1) parce que pour moi toute la section 9, ça rapport aux services bilingues que le gouvernement fédéral doit ou peut fournir. Pour moi, c'est un ensemble. Et alors on peut faire la recommandation, dans la section 9(1), c'est très précis, c'est bien défini, que le district bilingue ça s'appelle comme ça. Dans la section 9(2), c'est peu défini, c'est pas clair, mais il y a tout de même quelque chose qui doit être assuré à une certaine population et c'est ce que les Belges appellent les agglomérations urbaines dans leur loi. Et dans les agglomérations urbaines comme Bruxelles ils sont obligés de donner les services en français comme ici dans les deux langues. Alors c'est ma conception, peut-être que c'est ridicule aux yeux d'un juriste, que c'est méprisable comme interprétation, mais il me semble bien que ça fait partie d'un tout.
- M. Smith - Ce n'est pas du tout méprisable mais tout de même je crois que le problème est sur le plan n'est-ce pas de la loi dans ce sens. Vous avez vos obligations selon l'article 15(1). Les ministères du gouvernement ont leurs obligations selon l'article 9. A la lumière de la création de certains districts bilingues ou non, ça dépend, mais vous, vous n'avez rien à faire consciemment avec l'article 9. N'est-ce pas c'est la responsabilité des ministères, qui découlent de votre rapport, et éventuellement d'un arrêt du gouverneur en conseil. J'ai souligné l'article 9 simplement pour, et simplement en parlant des résultats de la création ou le manque de création d'un district bilingue, des obligations qui relèvent des ministères.
- Mr. Morrison - This in fact is what happened after the first report. There was barely any mention of 9(2) and this would mean that the government

considered this as an obligation on the part of the departments.

- Mr. Smith - That is correct, and as far as I am aware, and I have nothing to do with the implementation of the law, but what I see is that the government is really moving to extend services without reference to particular areas, defined areas, and without saying well we're going to have probably a bilingual district here and there. They are saying well there is demand here and we have to try and provide the services. It is as simple as that, and I think that should be kept in mind at all times that the obligations under section 9 are obligations on the departments and agencies. And those exist quite apart from your recommendations but when you recommend them, certain things happen in relation to 9(1).
- Mr. Morency - I would like to add that in spite of the fact that the report was not implemented, all departments have taken action in order to give the services in all of the bilingual districts that had been recommended, even if not accepted, and in the review of the budgets when we reviewed the budget of all departments in Treasury Board, we found that actually each department was acting and Treasury Board asked what are you doing in this and that area which had been recommended? You must be ready, therefore start now, and I think they were in fact taken into the implementation process.
- Mr. Smith - I can assure you that as far as I was concerned at the time, that was the position that I took that they ought to be able to extend their services in any event. That was one reason why they didn't accept the report, whilst waiting for the '71 statistics. It was that they would extend the services notwithstanding that there was not in fact creation of a district.
- Chairman - Ms. Duckworth are you on this point? Or is there anyone else who would like to speak on this point?

Dr Savoie

- Je ne sais pas si ma question est aussi pertinente que je pensais qu'elle le serait mais je voulais demander à M. Smith son appréciation juridique sur le 9(2). Ça fait plus qu'un an qu'on en parle et c'est sensé être la grande panacée universelle et spécifiquement sur le problème du bilinguisme au Canada. Maintenant disons que depuis que vous êtes ici je suis un peu mêlé et je me demande ce qu'on a à faire avec 9(2) et je crois que vous devriez clarifier ça avant de partir, si réellement on doit s'en occuper de 9(2) ou non. J'étais convaincu que oui, et là ce n'est pas clair dans mon esprit. Ça c'est le premier point. Le deuxième, c'est précisément le contenu de 9(2) et la raison pour laquelle je trouve que, tout d'abord je reconnais que c'est votre brainchild, et je trouve que vous avez fait un exercice extrêmement valable en rédigeant ça et en essayant d'ouvrir le concept du district bilingue et que vous avez peut-être une affection particulière pour cet article-là, mais quand même je trouve qu'il comporte des faiblesses inhérentes qui sont telles qu'on ne peut pas lui faire ou lui donner l'absolution sans confession, comme aurait dit le père Regimbal autrefois. C'est que si vous voulez je prends le texte anglais qui dit: "the duty to ensure, to the extent that it is feasible for it to do so. to the extent that it is feasible." Alors immédiatement vous avez des fonctionnaires qui vont décider jusqu'à quel point c'est faisable donc vous avez tout de suite une question d'interprétation qui peut aller dans un sens ou dans l'autre d'après la disposition personnelle, subjective de l'individu qui fait ce jugement. Vous avez ensuite la question de "significant demand". Qui est-ce qui décide, puisque ce n'est désigné nulle part, et ça peut encore être des fonctionnaires qui vont décider que la demande est importante ou non, donc une autre possibilité que nous pourrions appeler un "loophole" et, finalement, vous avez la troisième, "that such persons, can obtain available services from" et là ce sont encore des fonctionnaires ou des gens qui sont plus ou moins intéressés, qui font un jugement subjectif sur la disponibilité des services. Certains vont dire c'est

possible. Ils ne sont pas disponibles. On ne peut pas les donner. Alors c'est là que je trouve que le 9(2) a tellement de faiblesses, qu'on ne peut pas lui accorder une importance trop importante pour assurer la mise en application du bilinguisme au Canada.

M. Smith

- Je suis complètement d'accord sur, disons, la faiblesse. Moi, j'aurais dit plutôt, la flexibilité, dans ce sens que pour avoir cet article, il nous a fallu une définition, et, je voudrais souligner qu'il y a une obligation où existent les critères établis dans 9(2). C'est vrai que la définition leaves it to the department to decide but the check in the system is still the Commissioner of Official Languages and the Commissioner of Official Languages will ask why is it not feasible when the fellow goes to the National Revenue in Toronto and cannot get somebody to communicate with him. That is the check under 9 and 9(1) can be meaningless too. You can't go to court with this. The sanction is by the Commissioner of Official Languages and he can act under 9(2) as he can act under 9(1) and the question of feasibility and significant demand, are vague too, but I can tell you from certain differences of opinion that I have had with the Commissioner of Official Languages that they take a very broad view, and a future commissioner might even take a broader view. I don't know. So you're not really dealing with something you can take to court, you are dealing with an administrative and political creature in the sense that duty is being imposed on departments and the check with an officer of Official Languages and these vague flexible words may not be enforceable, but 9(1) isn't enforceable in the courts either. It is all there simply to provide this flexibility and it can be used and will be used by the present government and any other government and will be used by the present Commissioner of Official Languages to push the government to do things that should be done. I don't have any answer directly to your question, but still I agree with you it was left open. It was designed as such but it still imposes

a duty that providing the conditions are fulfilled the department should decide what is feasible, what is a significant demand, and there is somebody else looking over their shoulders.

Mr. Savoie - Would you care to comment on the first part of my question and tell us to what extent, if any, that the Board has to be concerned with 9(2).

Mr. Smith - All I suggested is that 9(2) is there and the Board does not have to be concerned with it directly. All I'm saying is that the government and departments have that avenue and cannot hide behind the facts that you are not recommending a bilingual district. If you consider some particular area and you don't want to recommend it a bilingual district, it is still possible for the government to pick that up in a more or less precise fashion and they have the power and they have the obligation under 9(2) to do something. I suppose that, faced with an assessment of an area, which in your report you say we don't want to create a bilingual district for the following reasons, the government still has that avenue and will be asking itself what shall we do, because there is obviously someone to be considered here. And the Commissioner of Official Languages will have that in front of him and will be sending somebody down there to see if the local federal services are being offered in the second language.

Chairman - Now we have three hands up. Judge Monnin

Judge Monnin - Just a brief comment in fairness to the legislative draft of 9(1) and 9(2), as relating to the flexibility or imprecision, depending on the concept or the mind that you apply. French minds proceed differently. Le législateur anglais, pour sa part, procède de cette façon-ci, comme je l'ai déjà dit. Let's not forget that this is the result of a compromise where there were three, without naming them, three individuals, one Walter Weir, Attorney General, Sterling Lyon, Thatcher and I think Wackey Bennet. Comme vous voyez il fallait patiner pour arriver avec une solution de cette sorte-là. Il nous faut vivre avec cela. C'est le concept du Canada où nous trouvons toujours des

solutions de compromis. N'oubliez-pas aussi que si jamais nous recommandons de faire des amendements à ce texte de loi, que nous nous plaçons dans une position des plus embêtantes et des plus difficiles. C'est un texte de loi qui est "a can of worms". Ce n'est pas ce qui est de plus populaire dans le Dominion du Canada. Vous n'avez qu'à traverser la Rivière Ottawa pour savoir que ce n'est plus populaire chez les francophones pas plus que chez les anglophones. Si on se permet de faire des recommandations qui obligerait les législateurs, s'ils veulent le faire, d'amender un texte qu'ils n'ont pas du tout l'intention de réouvrir à moins que ce soit absolument nécessaire. N'oublions pas que c'est un domaine politique. C'est une chose qu'il ne faut pas oublier. Il faut être réaliste et vivre en 1973 dans la situation politique canadienne.

Miss Duckworth- It was just eventually that 9(2) might do the job and I am wondering if we do follow our mandate and recommend some bilingual districts and some get declared, do they become a nuisance at some point when one wants to switch to 9(2)?

Mr. Smith - This is the fundamental question in this sense that once you create a district it is there although you may change the boundaries and you require legislation to do away with it. That is one of the reasons among a number, that the first report was not acted upon. So you want to be very sure of what you are doing and the government wants to be sure what it is doing. All I can say to that is that to the extent that districts are created, to that extent, the government and even the creation of one, commits it to the principle of bilingual districts. And if it is sure that it wants to go that route, and they are not committed yet they have not created any, there is no follow-up, it is unsure. Then I suppose that is a consideration and goes to the root of it, that your mandate is to look at these things and stick to the Act as it now stands.

Mr. Hickman - Has it not committed itself to one district in the capital region?

- Mr. Smith - That is a real hurdle and there are various views about the utility, whatever you want to call it, about bilingual districts. It does not seem to me that you are here to really question that and say well we don't believe in the bilingual districts. That's not your job. You've got the Act and you've got to make some recommendations although you may wish to outline the difficulties and again, this is a policy decision.
- Chairman - I would like to get on to the next item...
- Mr. Mackey - Mr. Chairman I'm trying to make some sense out of what we are talking about as the discussion goes on...
- Chairman - Dr. Mackey has some marvelous phrases in discussion, and one of them is: "Allow me to explain the point you just made!"
- Dr. Mackey - Excuse me Mr. Smith, but I am trying to think this out for myself and as you said in response to my last two questions, that we are responsible I gather for the interpretation of the sections of the Act, which concern us. No.1 No.2, we may give reasons for our recommendations, and I think this is established that we think so, so if one of these reasons is a provision in another section in the Act, may we interpret the meaning of such a section.
- Mr. Smith - There is no constraint upon you in placing a meaning upon another section of the Act that may have relevance to your mandate. That does not mean that that meaning will be accepted by the government, but obviously you must give some meanings to the words that are written down on paper relating to what you have to do. That is sort of basic. You cannot do anything until you decide what you want to do. You want to go one step farther and say "well yes there is another section the obligations in which flows from what we do or don't do", and I don't see any particular problem in describing the meaning if you wish to do so, if you feel it is necessary.
- Dr. Mackey - Our reasoning would take therefore a pattern like this. If, such and such a section, means this, we recommend a bilingual district and, if it means something else, we don't. That is the sort of conclusion we come to.

- Mr. Smith - You would not put the draftsman in this position! I suppose that all I can say to that Mr. Chairman is that if I can be of assistance when you reach the point of interpreting a particular provision in the Act or a particular purpose, I will be glad to do whatever I can.
- Chairman - I would like to spend a few minutes on "principal offices".
- Mme Raymond - Moi je vais parler d'un autre point de vue de la loi. Le point de vue qui dit qu'après chaque recensement fédéral un nouveau conseil doit être nommé. Si la loi a été pensée en fonction d'un plan à long terme pour le bilinguisme au Canada, l'interprétation qu'on pourrait donner à cette partie de la loi, c'est qu'au fond le premier Conseil et maintenant le deuxième Conseil où le gouvernement ne pourra décider d'instaurer 35 districts bilingues à travers le Canada. Et que chaque fois où il va en déclarer un, il le fait pour l'éternité d'après la loi. Donc il faut penser que si on veut interpréter la loi, que c'est peut-être pas avantageux de mettre le plus possible de districts bilingues.
- M. Smith - Est-ce que je peux répondre indirectement à votre question? Le fait qu'il y aura un nouveau Conseil après chaque recensement vous donne une certaine flexibilité. Vous n'avez pas à vous sentir obligés de recommander globalement, tout ce qui peut l'être, puisque dans un autre dix ans, il y aura un autre Conseil selon la loi, telle qu'elle existe actuellement. Alors ça ne veut pas dire que vous êtes empêchés d'une part, mais il y a cette disposition que vous avez devant vous et que vous pourrez très bien vous dire, d'ici dix ans on saura un peu plus sur les problèmes linguistiques dans un territoire donné et, pour le moment, nous considérons qu'il vaut mieux ne pas créer un district bilingue. C'est une raison que vous pouvez donner pour ne pas créer un district bilingue dans un certain territoire.
- Mme Raymond - De toute façon, c'est la façon pratique et qui répond à ma première question, qui est la situation d'appliquer avec égalité la loi

où il y a des situations inégales, pour les rendre égales.

M. Smith - Je suis content que j'ai finalement répondu.

Chairman - May we pass on then to the next item because if we want to get all the possible benefits of Mr. Smith's presence as we can. I think Item II is not terribly important to the effect that we could perhaps propose a different title. Obviously in the report we would have to talk about bilingual districts because that is what the law tells us to talk about. However, if we are to make a provisional recommendation we might want to suggest that there be in future, there ought to be amendments to the Act, that the term bilingual district might be changed. Now, I guess we are asking you a simple question as to whether there would be any legal objection in making such proposals in our list of recommendations.

Mr. Smith - I don't think there is any legal objection as this is a matter of policy but there are different ways in which to go about that. As long as you fulfil the mandate.

Chairman - Is there any other question? Then may we pass to item III which is a much more difficult question. We have wrestled at great length in our deliberations here about the problem of what is the definition of principal offices as we deal with it in our report. I think I sum up the feelings of the Board members, when I say that we feel it is a very important item. And we as a Board who have thought about it at great length and have come to grips with the realities of the situation feel that we ought to say something here for the good of everybody. We are asking you now, I suppose first of all, how do you as a legal officer interpret this concept in the Act, at the moment?

Mr. Smith - I think I can answer that fairly briefly as this question has come up before. As a matter of fact it was asked by the Board for the last report and the advice I gave at the time on principal office was that it was a concept relative to the district being created. And as you create a district where

there is only one office, by definition that would be the principal office of the particular department which is located in that district. If for example you create New Brunswick as a bilingual district, as was recommended by the first Board, then again it is a relative question as to what is the principal office within New Brunswick. And I think the answer that I gave at that time was, if you take the Post Office for example, it is obviously the major Post Office in New Brunswick and that would not mean every Post Office in New Brunswick and, I suppose, that we have to look at the sanction by the Commissioner of Official Languages who, I think, would find it reasonable to consider that every Post Office let's say in the Northeast of New Brunswick, should provide services in both languages. I would hope that you would not find it unreasonable, if at the Post Office in Caraquet, assuming that the population is exclusively Francophone, that there was not any service in English and I would hope you would not find it unreasonable that in St. Stephen's or some place like that where there is no French-speaking population, that the services are only in English. I would also say to you that services can be rendered in a variety of ways.

- Chairman - May we try on you some of our ideas and alternative hypotheses?...
- Mr. Morrison - Could I ask you one question? It just occurred to me as you were talking before about the flexibility of or the limitations of 9(1). Supposing the Board recommends a bilingual district in Manitoba for instance where there are practically no federal services now. 9(1) says that there is an obligation to provide services to the public at the principal offices in the district. Is there likely then to be any conflict say, if Public Service Unions say, there is a district, 9(2) does not apply, 9(1) applies because the government has created a bilingual district and that is the limit of the obligation.
- Mr. Smith - Well, sure that might be a potential problem but I have already advised departments that even though they do not have an office within the particular area I found it advisable that

servicing that district from outside the district be able to provide services in both languages. But you get into some hairy problems because you take Manitoba again, if you create a district say in St. Boniface and the head office of the Canadian Wheat Board is in Winnipeg, to what degree will the Wheat Board provide services at its main office in both official languages. However, when the Wheat Board distributes pamphlets all over and you reach within areas where you have 500 farmers and a high percentage of French-speaking farmers and 5,000 Ukrainian-speaking farmers and 30,000 English-speaking farmers, what are the obligations of the Board at that point. And we have run into that. Again, it is a question of balance.

Mr. Morrison - 9(1) as you said is more precise but also is more restrictive.

Mr. Morency - This question of principal offices, and I believe you received a paper prepared on this subject, needs to be defined and that definition depends to a great extent on how we look at it. Is it from the point of view of the government, and the office which they consider the highest in the hierarchy or is it the largest office, which in some cases don't even deal with the public and, the intent of the Act is to serve the public. Usually the highest office is that which regulates the work of those underneath. Or again, do we look at it from the point of view of the public which we are trying to reach and for those or for that public it is definitely the office where they get their personal business done. So there are these two points of view and I was wondering if, in the report, the Board should not define this approach and give their interpretation of it. Do you think that there would be any legal complications?

Mr. Smith - Well I suppose that on the strictly legal question, principal office does not mean all offices. Principal office in a bilingual district that does not mean all offices within that bilingual district. So, as a matter of law, I suppose the advice I can give is that it is always relative but it isn't necessarily

everythink. If parliament had wanted it to be every office it would have said every office. Insofar as your defining principal office, first, as you appreciate, you are not in a position to give a definitive interpretation but your problem is that you can say that you are looking at a bilingual district and the purpose for creating a bilingual district is really ultimately to see what services are going to be provided in both languages, and that in turn leads us to the problem as to where those services will be provided and we cannot ignore therefore what those places are. And this in turn leads you to principal office. And you may then want to say following that line of reasoning, you may want to say something about this point. You should start from this premise that principal offices are relative to the district that you are creating and it does not necessarily mean all offices, although in certain circumstances they could. Because there could be one office and that would be the principal office and there could be 10 offices and they could be principal offices, because this is all relative. Have I made myself clear?

- Mr. Morency - In other words, it is not impossible and it would have to be stated clearly, that depending on the circumstances, it may be looked upon as being the principal office for the people of that region.
- Mr. Smith - That is correct. A relative concept. "Each of the principal offices in a bilingual district".
- Mr. Morency - So if there are two offices in one district and the jurisdiction of each of these two offices is to look after two groups of people on this side of the district it would be the principal office for this group, and for the people on the other side, the other, would be their principal office.
- Mr. Smith - Yes, probably this is fair enough. You have two Post Offices which may be the only federal presence in the district and they may have a divided jurisdiction in terms of where you go for your mail and it might well be, but don't take this to mean that every office is therefore a principal office.

- Mr. Morrison - The reverse of what Roly is saying is that for instance Northern Ontario we may say one district, then there is the interpretation of principal office in a bilingual district covering the whole of Northern Ontario or at least a large part of it, is it likely to be interpreted by whoever deals with this, for instance the Commissioner of Official Languages, in the same way as if you said "we recommend and the government proclaims districts for Nipissing, Sudbury, Timiskaming, Cochrane..."
- Mr. Smith - I think you have to look at the departmental set-up. Now, assuming that all of those Post Offices in Northern Ontario were equal and they all take their direction from Toronto, they might well be all principal offices and certainly the advice I would give them is that it would be that if they want to be safe, those are all principal offices. Now supposing there was a regional office, which all of those depended upon, you might take the narrow view that that was the principal office in relation to that district. Now the kind of advice which I would give is it might be argued that that is your principal office but you're not really giving any services in there as there are 10 offices to which people of both languages are addressing themselves frequently, and you should consider those as your principal offices. That is the safe tact to take because the Commissioner of Official Languages would not accept a Post Office not being able to give services in the two languages in that area. You see you are dealing with a very practical situation, and while I say it is relative, and it is, perhaps we must look at the facts in each case. If you have a district where you have a four tier hierarchy, maybe the principal offices should include the first two tiers and not the bottom two.
- Mr. Morency - As you would have in Ottawa the main or head office, the regional office and some local offices.
- M. Savoie - Sur le premier point je crois que, est-ce qu'il est sûr que nous parlons de bureau principal et que ce n'est pas défini dans la loi.

Là vous nous donnez une interprétation personnelle et possiblement qu'un autre conseiller juridique pourrait en donner une autre et là il n'y a plus de limite. Il me semble que ce serait valable s' il y avait quelque part, quelque chose d'écrit, pour définir bureau principal. Que ce soit accepté ou non, mais qu'il y ait quelque chose comme point de départ. Et la première question que je pose: est-ce que c'est souhaitable que notre Conseil essaie de définir bureau principal et l'écrive? Le gouvernement fera ce qu'il veut avec ça, mais au moins il y aura une tentative d'interprétation en tenant compte de l'esprit de la loi. Maintenant, M. Morency a quand même fait un travail très valable je trouve, et moi j'aimerais avoir votre interprétation sur le document et vos conseils comme conseiller juridique sur la valeur de ce document-là. Par exemple quand il dit: "We recommend that the expression of principal office be construed to mean all offices through which direct communications to or from the public are made, in whatever activity and administrative level". Moi, ça me satisfait, et j'aimerais bien qu'on puisse accepter ça. Est-ce que du point de vue juridique, en tenant compte de la loi, que vous seriez capable de dire c'est une bonne définition? Elle peut se défendre. Il y en a d'autres je crois qui se défendraient beaucoup moins bien, à la troisième page par exemple, est-ce que la proximité d'un district bilingue constitue une demande suffisante, eh bien on revient à votre question du Canadian Wheat Board à Winnipeg et peut-être faudrait-il y regarder de très près. Mais j'aimerais avoir une appréciation légale de ces recommandations-là, et des suggestions, pour voir si nous pouvons essayer de fournir une définition qui rendrait service au gouvernement et au département concernés.

M. Smith

- Le problème c'est que je ne crois pas qu'on puisse donner une définition abstraite. La définition que je vous ai donnée au début c'était que le concept de bureau principal est un concept relatif, dans le sens que ça dépend des facteurs dans chaque district proposé, chaque district créé. Donc, ça me semble que c'est impossible de donner une définition qui

va s'appliquer globalement. Il me semble que vous pourriez, comme j'ai dit tout à l'heure, arriver à un point dans votre examen du problème du district bilingue où vous vous dites il faut que nous donnions pour les fins de la création des districts bilingues, une définition par rapport à chaque district, des bureaux principaux. Mais je doute fort qu'on puisse say that all principal offices be construed to mean all offices. I don't know how you can say that, because that is not what parliament said. It may or may not be all offices in a bilingual district.

- M. Savoie - "All offices", ça veut dire plus que ça. Ça dit all offices with communications with the public et ça c'est différent. A ce moment-là, ce que vous considérez bureau principal ne rentrerait peut-être pas là dedans du tout parce que le public n'a aucun contact avec un certain bureau principal ou presque pas.
- Mr. Smith - Let's assume for a moment that the office is located within a district. I don't think that you can give a definition in the abstract and that is really my point. How do you do that, when Parliament has said, and this is the obligation of the department mind you and you cannot impose your definition on departments in that sense. Obviously you can take into consideration what is meant by that but it is principal offices in a bilingual district. It is still a relative concept. It does not say every office through which services are given to the public but principal offices and the only way I can construe that is principal office of any department in that district.
- M. Morency - Est-ce que ce n'est pas possible M. Smith de concevoir, et on sait fort bien qu'un ministère n'a jamais deux bureaux qui ont la même juridiction, tout d'abord. Alors partant de ce point-là, puisqu'ils ont chacun leur juridiction et territoire à desservir immédiatement dans ce territoire-là, ils sont les seuls. Alors c'est pourquoi on peut dire "tous ceux qui communiquent avec le public" et le public n'a rarement le loisir de communiquer avec deux bureaux du gouvernement fédéral dans le même endroit. Il y en a un qui a la responsabilité de leur localité. Alors, à ce moment-là, et c'est

sur ce point-là que j'ai dit "all offices dealing with the public" et le public n'a pas à traiter avec deux. Nous en avons eu des exemples dans toute nos visites lorsqu'on demande aux gens où ils obtiennent leurs services. Quelques-uns de l'autre côté de la rivière nous disent qu'ils peuvent se rendre à Pembroke de l'autre côté de Pontiac, mais on les renvoie toujours à Hull, parce que Hull a la responsabilité des gens de leur territoire. Alors immédiatement, vous n'avez pas de duplication de la part du gouvernement ou du ministère, et il n'y a seulement qu'un bureau pour ce territoire et c'est dans ce sens-là qu'on dit "tous les bureaux principaux" parce qu'ils traitent avec une seule partie de la population.

Mr. Smith

- Well, I suppose that what you are saying is that a practical examination of a problem in a district reveals only one office that deals with the public in that district. If that is the case, and I am not absolutely sure that this applies across the Board, but if that be the case, then maybe you're right. I don't think that globally you can say that it should be all offices but I think you can say for the purposes of your report that you find that in most cases members of the public in the district deal only with one office in a district and that generally there is only one office in a district, and if that be the case, by definition it is probably the principal office. That may be all right. But I can only say, as a matter of law, as I see it anyway, it is not every office in a district that is a principal office and that it is a relative concept, and if you find that in practical terms there is only one, that there will be only one, then in most cases maybe you should say that.

Mr. Morency

- It is to find a method in which it can be either defined or explained.

Mr. Smith

- But I come back to New Brunswick and I can't see that every office in New Brunswick, even the Post Office, is a principal office when they deal with the public. And I think there are areas where it would be perfectly legitimate to deal only in one language.

Miss Duckworth- Directly on that, there are two different questions opposed to calling them all offices and one is because if the Act wanted to call them all offices they would have done it and there is the hierarchical way in which you may cut it, but in the New Brunswick way there are two different problems. Let me say if, let's say, we have Inverness and Richmond in Cape Breton as a bilingual district, then the law says that in each of the principal offices there shall be... Now, letting aside for a moment the question of principal offices and thinking of each, let's say we decide that Post Offices serving the public are considered principal offices and there is nobody French anywhere around, is it incumbent upon the government to ensure that there are services there in both languages, even though in that particular part of that district, there is nobody French?

Mr. Smith - First of all, is the responsibility of the departments under the Act and the Commissioner of Official Languages... I gave another example of this, and I have said that that poses an obligation for you to have somebody there who is French-speaking, but if you are to get one request a year in French, maybe you should rig up a telephone line and hand him the telephone to deal with someone in the next office or in Halifax for that matter, because there is more than one way to skin a cat. At least this would be my view and that of the people in the department who are concerned with that very kind of problem. And if there is to be a reasonable application of the law and in a sense, that the Commissioner of Official Languages could come along and say that is not good enough, well it's only...

Mr. Morency - A good example is Air Canada. You phone Air Canada from Ottawa or anywhere around and you always land in Montreal, automatically. Because the services are available there in both languages and it does not matter if you try to reach the office here, you just can't.

Mr. Fox - Well I should say that Air Canada does not give any service in any language!

- Dr. Mackey - In other words, to follow your example we have St. Stephen's in New Brunswick. If there was a small population of Acadians living there, French-speaking, and said we are in a bilingual district during our holiday, then we should get our services in French at this Post Office. Somebody could tell them that they have to apply at Fredericton where the principal office is. Is that the way the situation would work?
- Mr. Smith - Let's put it this way, that could possibly be. Again, it's a relative question but let us take the practical situation. If in the past, there is no experience of such requests, what should the Post Office do. I think they would be wise to take their precaution for the future. You are concerned with what flows from 9 and so am I, with a difference: I assume that it will be applied reasonably and that it has to be approached reasonably and that you can't be overly reticent about providing services and at the same time you cannot be overly afraid of ringing up the phone and reaching somebody next door, if you need some help, as there are other ways of dealing with the problem. I agree that if you create New Brunswick a bilingual district, and define your principal offices, it is conceivable that in certain areas services should be provided and some people will say well, this is not the principal office, but if I am giving advice to the department it will be that if there is any question, they should provide.
- Dr. Hickman - Do you think that it will be appropriate if instead of a definition we were to state some assumptions in our report or do you really think that it is not our responsibility.
- Mr. Smith - No, I really didn't say it was not your concern or that you could be forbidden to give a definition, but really, that it may not be possible or that you might well look at a district and say, there may be a problem here with the concept of principal offices because departments have to provide services from principal offices, and it is not entirely clear if recommending New Brunswick as a district, that services will therefore be provided in all of the circumstances

that may be required. Because of the context of the principal office. If you interpret principal office as meaning every office, as Col. Morency did, as an office where people will normally go and receive their services then it would be a practical problem and maybe you will want to say well, on this basis things will work out, but all I'm saying is that you arrive at that at the end of your consideration.

Mr. Fox

- I have a problem that I would like to put to you. We have discovered in our travels that it is not a simple matter of service across the counter, and that frequently the complaints about inadequate services have arisen in trying to contact the Federal Government at a higher level than the counter, and I think we are misleading ourselves a bit if we are talking only about Post Offices. Particularly we have discovered that the difficulties we are at, say Manpower, when they want to discuss with the Manpower representative a job where the worker is not very literate and he has difficulties even maybe in his own language in explaining what sort of qualifications he has, and when you compound that difficulty by facing him with someone who speaks the other language, then there is a real problem of communication and we have found this true of the English people communicating with French officials and vice versa, so that there is a real problem here beyond the counter. Moving up to say the discussion of taxation problems where you may need to talk to a fairly high ranking person, way back from the counter. Now, if our report is to be realistic, we must have this in our mind when we are writing about the districts. My second question is: If your interpretation holds, and we are not to make a general statement of some kind about our interpretation of principal offices but to make it relative to each area that we

- Mr. Smith - I was suggesting as a matter of law, that it is relative. And I don't think that you could give a definition in the abstract. I wouldn't say that you couldn't, I'm merely giving you my view on that and if it is relative, it is relative to each district that you may propose. That doesn't follow that with respect to each district that you propose you have to start labeling principal offices and that is not indeed your responsibility. Principal offices come under 9 and those are under the departments and the government. All I was suggesting is that there may be specific areas where that concept you may feel create special problems. And one that comes to mind is particularly that of New Brunswick, and maybe you should be considering that. There may be others, but you may want to say well looking at this particular district, by reason of the boundaries, there may be some problems in terms of saying what principal office is. It may be that in one or two dozen cases, I don't know, but to say that you would have to do it in every case, no.
- Mr. Morency - I think it might be possible, even in a single definition, to make it relative. In other words, to redefine this to show the relation between the office and the population, and it could be done, as a concept or as a way of seeing the things the way they are, and I think that without saying that all offices, we might tie that aspect to the need of the population, as you have explained before. I think it is still possible to make a definition or explanation that would be application to a number of districts or to all the districts but showing the relation with the population and the need of the service.
- Mr. Smith - That leaves me with some difficult, and I suppose I would have to look at it, but I see it as rather difficult. I can only

say that I think you might run into some difficulties if you were to try and say in the abstract for the purposes of the report as a whole, here is what are principal offices. Maybe not, but I would have to look at your definition.

- Mr. Morrison - I have just been looking at the Finnish situation and there their services are relative to the need of the population. There is a tremendous range of possibilities and it would be difficult to compare some small area in Manitoba to compare with the city of Montreal or even that of New Brunswick. There is a tremendous range to try and encompass within one definition.
- Mr. Smith - I must say this again that it was never intended in the Act that there be an obligation to provide in every circumstance complete and equal services, even though that might be the ultimate goal. And it does not read that way and this is why they talk about principal offices and why they talk about available services.
- Mme Raymond - Je pense vous savez que pour vous donner un exemple concret qui nous a été apporté à Montréal, les soumissions qui sont présentées en français par, disons des comptables ou des architectes ou des ingénieurs, et qui sont présentées à Ottawa. Mais, s'ils sont présentées en français, ça prend trois semaines de plus avant d'avoir quelqu'un qui va les traduire et d'avoir une réponse. Donc on est obligé d'envoyer les soumissions en anglais, alors la notion de principal office est un problème.
- Dr. Mackey - Mr. Smith, as you say, the principal office is relative to each district and the value of the district depends on the services available within the district, then, we must conclude that we cannot make any significant recommendation without going into the interpretation of section 9. Could that be considered correct?
- Mr. Smith - You put it a bit strongly, but it seems to me that when you make your recommendation

you have to have in mind what it is ultimately, that you want to achieve. However, I am just a little bit leary of saying in the abstract that you can set out in page 1 of your report, here is a definition of the principal office which we will use in our report which will be applicable across the country.

- Mr. Morrison - You have said earlier that it was not the intention of parliament to provide equal services everywhere and there seems to be a tendency to assume that it is in the Act and this is what it seems to be going beyond the mandate. And then you get into the question of credibility. I just don't conceive that it is possible to provide for everybody in Quebec equal services or to individuals or groups elsewhere in the country.
- Mr. Smith - While this is what we have said, it is not so much the equal services people are supposed to be able to obtain but available services. Certainly the idea of significant demand and other features all indicate, it seems to me and I don't pretend to say that I know what parliament intended, but the government policy would be to provide services to the limit of the possible and that's why there are so many caveats written into it because there had to be and there was no other way it could be done.
- Chairman - There are two other items that we would like to discuss and we have two minutes to do it!
- Père Regimbal - Moi je voudrais tout simplement énoncer un problème que j'ai beaucoup de difficulté à clarifier dans mon esprit, to make sens comme vous dites, c'est la distinction que vous faites entre l'intention de la Loi et le but ultime de la Loi. Vous semblez faire une distinction.
- M. Smith - Je crois que non. J'ai parlé de l'intention de la Loi mais de fait je n'aimerais pas parler de l'intention de la Loi puisque c'est

le parlement qui a légiféré. Ce que je voulais dire c'est qu'on a la Loi et c'est là. J'ai parlé de l'intention peut-être du gouvernement, en proposant la loi, et en parlant d'un but ultime. C'est tout simplement une réflexion personnelle. On les a tous, ainsi que le Commissaire aux langues officielles, qui a lui-même ses propres concepts et il l'a dit dans son rapport, mais ça ne veut pas dire qu'une cour appelée à interpréter la Loi va en venir aux mêmes conclusions. Ça ne veut pas dire non plus pour la même raison...

- Père Regimbal - Même de la part du gouvernement qui a promulgué la Loi? Il y a une distinction entre son intention et son but ultime?
- M. Smith - Ca se peut qu'il y ait une distinction entre ce que le gouvernement a voulu faire dans le sens de ses responsabilités et obligations actuelles, avec ce que le gouvernement a voulu faire à long terme, le but qu'il voulait atteindre en obligeant les ministères. Mais une égalité complète, quant aux langues au Canada, dans le sens qu'on prévoit que n'importe qui francophone ou anglophone, peut entrer n'importe où et se voir servir dans la langue de son choix, est peut-être un peu ultime. Mais ça ne veut pas dire que c'est l'obligation de la loi actuelle.
- Chairman - It is my duty to inform you that this is 12:35 and we still have "significant demand" to discuss and then there is the final question about the discrepancy in the Act between two phrases "mother tongue" and "language spoken".
- M. Savoie - La dernière question est importante parce que cela porte directement sur les décisions que nous allons prendre. Je crois qu'il faut que ce soit très clair dans notre esprit, si on prend la définition de langue maternelle, telle que définie dans la Loi, ou bien "language most often spoken". Ca c'est très différent et ça touche à toutes nos statistiques.

- Mr. Smith - I wonder if I could make an observation, I don't want to dismiss this last question off hand, but we have discussed 9(2) earlier and I quite agree that it is rather vague and that it may leave the whole matter open and I said that I saw some advantages to having it made more precise and, quite frankly, it is what you want to make out of it, what departments want to make it and what the Commissioner of Official languages wants to make it. I don't see how, or I would have difficulty any way, and I hope Judge Monnin will agree with me, I would have difficulty in giving you any useful interpretation of what is feasible, which is relative any way. And departments will have to look at that and they'll have to be careful as to the sanctions of the Commissioner of Official languages such as for also significant demand, which again is relative, because significant demand in a community of 50 people may be 5.
- Chairman - Therefore, you suggest that we don't need to worry about it.
- Mr. Smith - I wouldn't worry about it too much.
- Mr. Mackey - You say there are other avenues to deal with it, such as, the fact that in a certain situation, we would consider that there is significant demand.
- Mr. Morency - I would like to say Mr. Smith that as a member of the public service and having to deal with this sort of question in various departments, this question has always been stumbling block. And unless somebody defines it somehow or at least suggest what the definition should be, unless some guidance is given to a recommendation of this sort, they will still be debating this for the rest of their life, because since the Act was passed in '69, this is the question that has baffled the advisors on bilingualism and they have kept asking twelve times a year for the last four years. They want a definition.

- Mr. Smith - Well, I don't know, I don't want to be flippant, but it seems to me that this is what they're paid to do. Really, you have to make decisions sometimes. You know, I am paid to give legal advice and I know that many a time I am wrong but still, I have to give it. You know, somebody wants to submit me a problem and ask that say in a community of 50 people where there are 5 French-speaking people who live out in the wood somewhere and seldom come to get their mail, would that be significant demand and I would say certainly no. But if they came once a day and all 5 of them and ask for their mail, I might probably say yes. But it seems to me that, this is up to the post office to ascertain those facts and for somebody there to say "well what are we doing here, what is the problem" and if they are smart they will try to avoid the criticism by making sure that the services are provided for, that the person next door who may be French-speaking is available to answer some questions. You know, there is no way that I or somebody else could sit down and say exactly what significant demand is.
- Mr. Morrison - This is like Jean-Marc Hamel who made his own decision and he has gone ahead and has had no problem. Now I suppose if people in a particular region wanted to sound out the Commissioner of Official languages maybe, but this was the way he wanted to do it and he did it and he covered the whole country.
- Mr. Smith - Yes, in fact he consulted me and he consulted also the Commissioner of Official languages. He covered his tracks and he had no problem.
- Mr. Mackey - Let me give you an example here. The reason why we had to look at significant demand is that we cannot ignore it. Suppose we say we don't recommend a bilingual district here, but we like to point out that a lot of people, such a great population that we cannot imagine it does not constitute a significant demand. Therefore, if it is so interpretive by the departments, then we don't need a bilingual district and we recommend that the departments take the necessary measures. It determines our decision.

- Mr. Smith - Yes, I appreciate that, but perhaps it is not that easy, because supposing you have a potential bilingual district and you don't want to make it a bilingual district, and there are several departments in that district, including the unemployment insurance which does a lot of business all the time. It may well be that it is essential that there be a bilingual capability, but it may well be also that the other offices of other departments, which are relatively minor and where it does not matter so much, perhaps, and you may want to ensure that people dealing with unemployment insurance get their services. It might be that the minority population is largely unemployed, creating a special set of circumstances. And in this case it would seem to constitute a significant demand, but whether there would be a significant demand in one of the post offices in that particular area, is something else again. Again, you would have to look at the type of services provided by the departments.
- Mr. Hickman - I think this question is going to be too vast for us to torture ourselves with.
- Mr. Smith - Yes, well, maybe this could be the case. All I am saying is that it is difficult, to come to grips with the question and saying in the abstract this or that.
- Chairman - I think we must pass on to the next point which is the question at paragraph 5, as per the letter of Mr. Morrison to Mr. Smith.
- Mr. Morrison - This is the result of a conversation I had with a legal officer in a department and although I could not see exactly what the problem was, I felt I should raise the question anyway.
- M. Savoie - Je crois personnellement que le problème en ce qui nous concerne nous paraît assez simple parce que ici la Loi a défini ce que voulait dire "langue maternelle". Donc, 36(2) est très très clair et il n'y a pas de doute qu'il soit parfois utile de regarder la langue qui est le plus souvent utilisée. Mais en prenant nos décisions, le Parlement nous a dit clairement ce que nous devons suivre.

Alors, pour moi le problème est relativement mineur.

- M. Smith - Moi, personnellement, je n'ai pas très bien saisi le problème parce que la définition et les chiffres donnés par Statistique Canada décident la chose. Ce n'est pas de fait entre vos mains à déterminer qui est une personne qui est un résident et qui a comme langue maternelle, soit l'anglais ou le français. Vous avez vos statistiques et devez les utiliser.
- Mr. Mackey - The problem is really in the wording of the Act. In functioning there is no contradiction. But you see, Statistics Canada has different statistics. Mother tongue is language understood whilst in the Act they say mother tongue spoken, if you see what I mean. Now, that could be languages spoken but later on in the Act it says "the statistics that we will have to use will have to be the mother tongue statistics", as defined by Statistics Canada and do not talk about the language spoken and the language understood. I mean it is simply the Act which is sufficiently clear taken as a whole to convince us that it is really the mother tongue figures that we have to use. Mother tongue, as defined by Statistics Canada.
- Mr. Smith - Well your definition in 36(2) is "mother tongue spoken by persons in any area of Canada means" so you import all of that into 14(1).
- Chairman - Are there any further questions that members wish to raise with Mr. Smith which are not listed in our paper?
- Mr. Mackey - I would like some more advice here, although it may not be a legal one, but this has to do with our use of extrapolation of statistical data. We are tempted from time to time to extrapolate, such as we say that is fine now, but let's wait till 10 years from now and we may have difficulty. What do you think it is advisable to do to take these things as the facts as they are now, or should we try and project in the future.

Mr. Smith

- Well, that is so far away from my expertise, that I don't think I would be really prepared to make a contribution or observation on that. You are there to make a report and I suppose you may take any factors that bear upon the report that you have to make as you think are valid. I suppose you can always consider things that are relevant to your mandate in your report. Perhaps, Mr. Chairman, I have said a lot of things today, and I hope you appreciate that this is legal advice and I don't want to give the impression that I am using my position here to give you all sorts of... let's not forget that personal observations are not my role.

Chairman

- I want to reassure you on that, we are very appreciative of your legal advice and we need all the advice that we can get. There is another observation that I would like to make. We have discovered in our travels a number of complaints for instance, in the services relating to radio and television and we are seriously considering including in our report pretty strong advice on this subject. We feel that this is called for and I wonder if you have any comment.

Mr. Smith

- Well, I think it seems to be a fair thing as long as you fulfil what is required of you under 15(1). If you have observations and recommendations other than those, it is a question of policy and certainly you have sufficient experience in this area although obviously you have to be careful as the type and number of recommendations that bear on your credibility. I certainly see no legal objection and I would think personally that if you think the Government would find them valuable, by all means.

Chairman

- Well, Mr. Smith, I would like to thank you very much for coming to meet us again and providing us with valuable advice.

Mr. Smith

- It is always a pleasure to come here and the problem is that maybe I have spoken too much and too bluntly. If there are other points, I will always be pleased to be as helpful as I can.

SECURITY CLASSIFICATION DE SECURITE

Members of the Board,

Chairman,

September 18, 1973

SUBJECT / OBJET: Summary of Mr. Brad Smith's Remarks about the Nature of our Recommendations.

At the meeting on September 15th, one of our members asked the Chairman to provide a summary of Mr. Smith's remarks on the subject of the nature of our mandate and the opportunity we had under our mandate to make recommendations such as those contained in the Cartwright report for bilingual communities and bilingual territories as well as bilingual districts. I have kept notes of Mr. Smith's remarks and the following summary of his remarks on this subject are based on those notes. I have asked Mr. Morrison or Mr. Morency to listen to the tape of Mr. Smith's remarks and to correct my interpretation of his remarks where a correction is required. You should receive, therefore, in this summary an accurate interpretation of what Mr. Smith had to say on this subject. In addition, in any case, Mr. Morency is preparing a typed script of Mr. Smith's remarks so that there will be a full version of his remarks available to all members.

In my opinion, Mr. Smith was very explicit and clear in telling us what we might do by way of making recommendations. He said that the Board must fulfil its mandate under the Act, that is, we must recommend some bilingual districts or else none at all. Then we might go on from that point to make any additional recommendations about bilingual territories or bilingual communities if we wished to do so. He said that the decision on this possibility was ~~out~~ ^{one} of a question of policy on the part of the Board. He said "in my own view, it would be valuable to have the Board make additional recommendations." He thought that it might be wise also before we did this, to take soundings from the Secretary of State to see what the reception of the government would be to such additional recommendations. He advised that the farther we departed from our mandate, the more contentious were the areas into which we were apt to enter. But he emphasized several times in his remarks the following, that we must fulfil our mandate to recommend bilingual districts.

In response to a question from Mr. Savoie as to our power to make recommendations beyond the provisions within the Official Languages Act by recommending such an entity as a bilingual community, Mr. Smith said that the question of the legality of such a recommendation depended upon the extent to which our suggestion was foreseen in the Official Languages Act. If we were to recommend a bilingual community for an area such as Labrador West, Mr. Savoie asked, what would be the government's reaction since such recommendation is not foreseen in the Act. Mr. Smith replied that we would be doing something, that was not known to the law. If we were to make recommendations under Section 9 (2) then our recommendations would be understood. But if we made recommendations re a new concept such as bilingual communities, which was not known to the law, then we would be entering into an area that was more contentious. He said that if we go beyond our mandate and our obligation to consider the recommendation of bilingual districts, Section 9 (2) is safer than some new concept which is unknown to the Official Languages Act.

In reply to a statement from Mr. Monnin that our mandate is very clear and that is to state the boundaries of bilingual districts under Section 9 (1), Mr. Smith said that he agreed fully with this interpretation. However, after fulfilling our mandate to recommend bilingual districts, he believed that we could then make additional recommendations which would be of assistance in implementing Section 9 (1). He then gave us very clearly the specific advice that we should do what we are required to do by law, that is, recommend bilingual districts if any, and then make such other recommendations as we think are suitable. He thought that we might say, for example, that area X cannot be a bilingual district but that it should have bilingual services and that it might even be called a bilingual community.

In response to another remark by a member, Mr. Smith said that it was not the job of the Board to say that it did not believe in bilingual districts.

It seems clear to me that Mr. Smith's message was very precise and direct; namely, that we should recommend bilingual districts first, if any, and then make such additional recommendations as we might wish.

Paul Fox,
Chairman

to: All Members

October 7th, 1973.

From: Bill Johnston

Some points arising from our discussions and from our meeting with David Smith in September.

- 1 - What happens if we do not recommend a district where the percentage criteria plus other criteria are met? How do we decide where to refrain? Yes, ministries and departments have obligations under Sec. 2:1, but if we make recommendations under 2:2 the implementation of recommendations is a matter of government resources concerned. Smith says that this is so in any case, as the interpretation of principal offices in Sec. 2:1 is relative to the individual district, and will thus be determined not by us, but by the departments involved. We can only suggest guidelines.

For example, imagine that we do not recommend a district for the area Lethbridge-Norville - St. Albert (Westlock?) in Alberta, but only that services be provided under 2:1. In an area like this, thinly populated and spread out, could the federal departments recognize significant demand? For years almost all the francophones have been used to receiving federal services in English. I can foresee conflict between government policy as embodied in the act, and the facts as they actually exist, i.e. no truly significant demand. Now what do we decide? If we recommend a district, some bilingual civil servants will be placed in St. Albert and possibly Westlock. The francophone population will have its language rights vis-à-vis the federal government protected by law. Symbolic encouragement will be given to efforts to continue and improve French language education, and some monies may be forthcoming from the Secretary of State. If we do not recommend a district, will the departments involved in serving the area see any significant demand? In other words, where does discretion lie? In the first instance, with the Board, but also with the departments.

If we recommend a district, we thus force the departments to provide some services. If we rely on the "sanction" of appeal to the Commissioner of Official Languages, the process of implementation under 2:2 could take forever, and the impetus would have to come from the people themselves. To take a further example, Lethbridge, Saskatchewan, appears to be a fairly viable community, yet the people seemed to be quite passive in some ways. Should they be "expected" to help themselves through the Office of the Commissioner of Official Languages, or do they need what guarantees the Board can give?

We come back to the purpose of the act, which I understand to be the strengthening of the French language in Canada by the extension of rights to francophones to use their language in their dealing with, primarily, the federal public service; (similar rights to be extended to anglophones where they are in the minority.)

10/11/73...../1

We are aware that in almost every potential district visited, the Act begets controversy. We are sensitive to the socio-political implications of such controversy. We are also aware that not all francophones in all potential districts are in favour of such districts, (and the same is true in the converse) either as the best means of preserving the language, or, and more importantly in the West, because of the "ghetto syndrome".

We are told that our job is quite simple and straightforward; to apply the provisions of the Act without fear or favour, so to speak, knowing that it is impossible to make recommendations which will please everyone.

As individuals as a part-time board. Some of those members feel that the decisions we must make, binding until such time as the Act may be amended, cannot properly be made under the mandate as it now stands. In spite of our great efforts to rationalize the conflicting issues, we have had only small success, and now we are faced with the necessity of making recommendations, concerning which many of us are not in accord.

Reflections:

Mr. Smith feels great confidence in the willingness and alacrity of the public service to act under the Act. Did I do.

The discussions we have held in meetings and afterwards during our visits are useful up to a point - but as reactions vary depending on which Commissioner talks to whom - each of us gets a different response to the same issues. Our deliberation or assessment of non-numerical criteria, that is good and bad - is thus made according to individual value judgments. To what degree should such value judgments be part of our decision-making?



CONFIDENTIEL

RECOMMANDATIONS DE DISTRICTS BILINGUES POUR LE QUÉBEC

- 1- Gatineau - Pontiac
- 2- Argenteuil - Deux-Montagnes
- 3- Huntingdon - Saint-Jean - Mississiquoi - Brome -
Stanstead - Compton
- 4- Gaspé-est - Bonaventure
- 5- Côte nord du golfe Saint-Laurent

Dans les recommandations sur le Québec, ont été éliminés, de façon systématique, les comtés fédéraux où il y a moins de 10% de la minorité, à l'exception d'une portion du comté de Saint-Jean, à forte concentration anglophone et qui permet la continuité dans le district bilingue qui longe la frontière du Vermont. Dans ce district, est aussi incluse la ville de Lennoxville.

Ont été éliminés les comtés où la minorité est de
1) 11.6% ou 2) 11% ou 3) 12.3% et dans lesquels la courbe de la population anglophone est descendante.

Montréal et sa région métropolitaine ayant déjà tous les services bilingues et étant le centre de la vie française en Amérique du Nord ne peut être recommandée comme

1) Richmond 2) Sherbrooke 3) Rouville

district bilingue. Vaudreuil, Châteauguay, Laprairie, régions d'ortoirs de Montréal, font partie de la région métropolitaine de Montréal.

Les critères sur lesquels s'appuient ces recommandations sont les critères de besoin et le fait que, dans dix ans, un nouveau Conseil révisera les districts bilingues. Si la région métropolitaine de Montréal en manifeste le besoin, à ce moment-là, un district bilingue pourra être recommandé. Il faut se rappeler qu'un district bilingue est, d'après la loi actuelle, permanent.

D'autre part, on se doit d'être conscient que recommander Montréal comme district bilingue signifie que c'est la seule grande ville du Canada qui serait proposée comme district bilingue et c'est l'unique métropole francophone.

Enfin, pour les comtés dont la proportion de la minorité dépasse le 10% tout en demeurant très près de ce pourcentage, une étude subséquente dans 10 ans permettra de vérifier les tendances de la courbe de la population.

Yvonne R. Raymond

Yvonne R. Raymond
Commissaire

W. Mackey

William F. Mackey
Commissaire

/tl
10 octobre 1973

To all Members

Don Cartwright

LE MINISTRE CLASSEMENT DE SÉCURITÉ
OUR FILE N. REFERENCE
OUR FILE N. REFERENCE
DATE
September 28, 1973.

FROM
DE

SUBJECT
OBJET

Five districts have been recommended for the province of Quebec. These districts are delimited on the enclosed maps and have been tentatively named:

- i Pontiac-Catineau
- ii Argenteuil-Deux-Montagnes
- iii Huntingdon-Compton
- iv Bonaventure-Gaspé-Est
- v Côte Nord du Golfe St-Laurent

Please note that the Montreal C.M.A., delimited on the map of Argenteuil-Deux-Montagnes and Huntingdon-Compton, is not one of the recommended districts. The Montreal C.M.A. has been outlined on our base maps and, therefore, is included on the copies of the potential districts.

Data sheets are being prepared for each of the districts and these will be sent to the members in a few days.

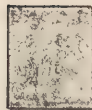
Don Cartwright

Don Cartwright,
Director of Research

DISTRICT TO BE RECOMMENDED
(excluding Montreal C.M.A.)

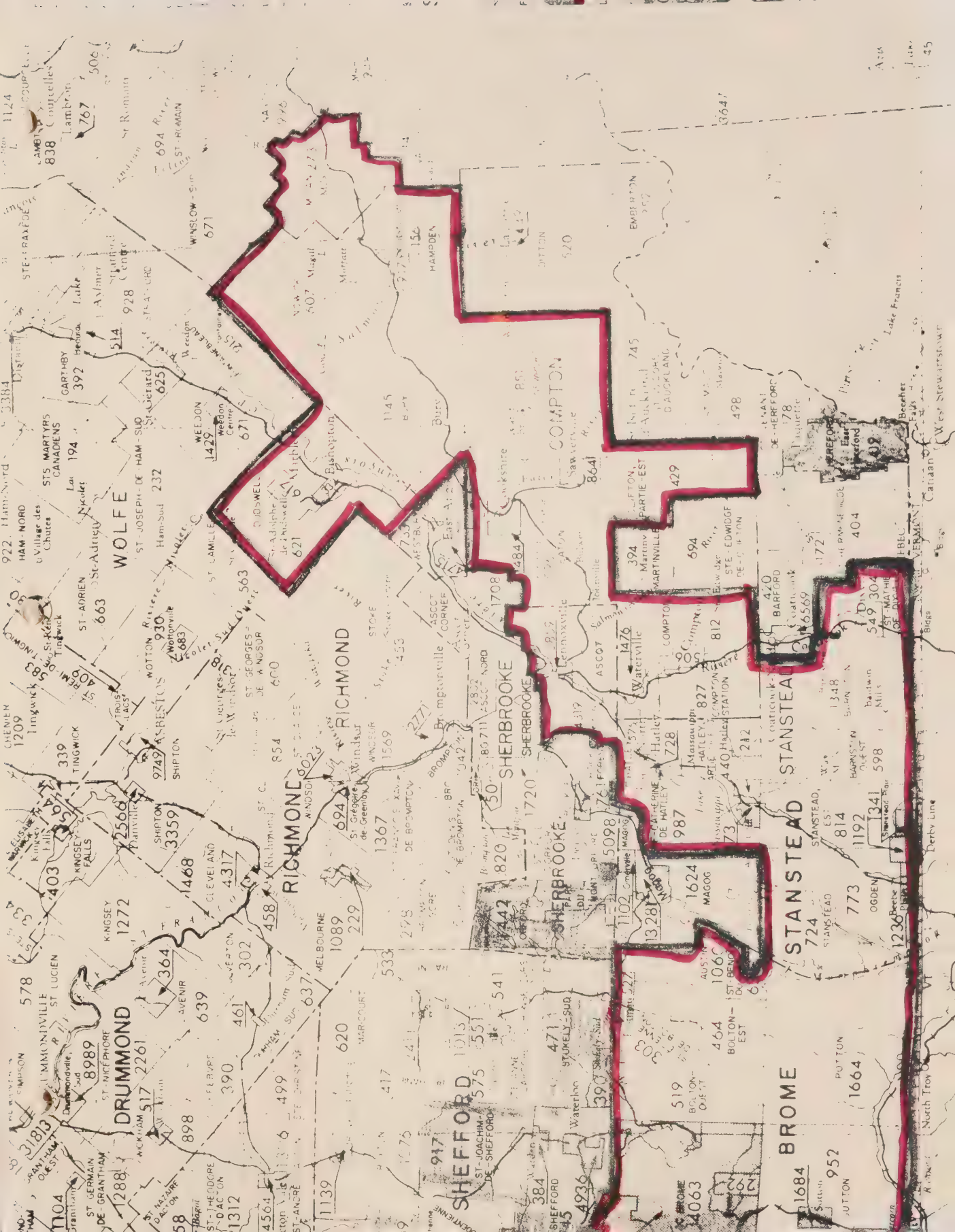


CENSUS SUBDIVISIONS WITHIN
RECOMMENDED DISTRICT IN WHICH
E.M.T. POPULATION IS $< 10\%$

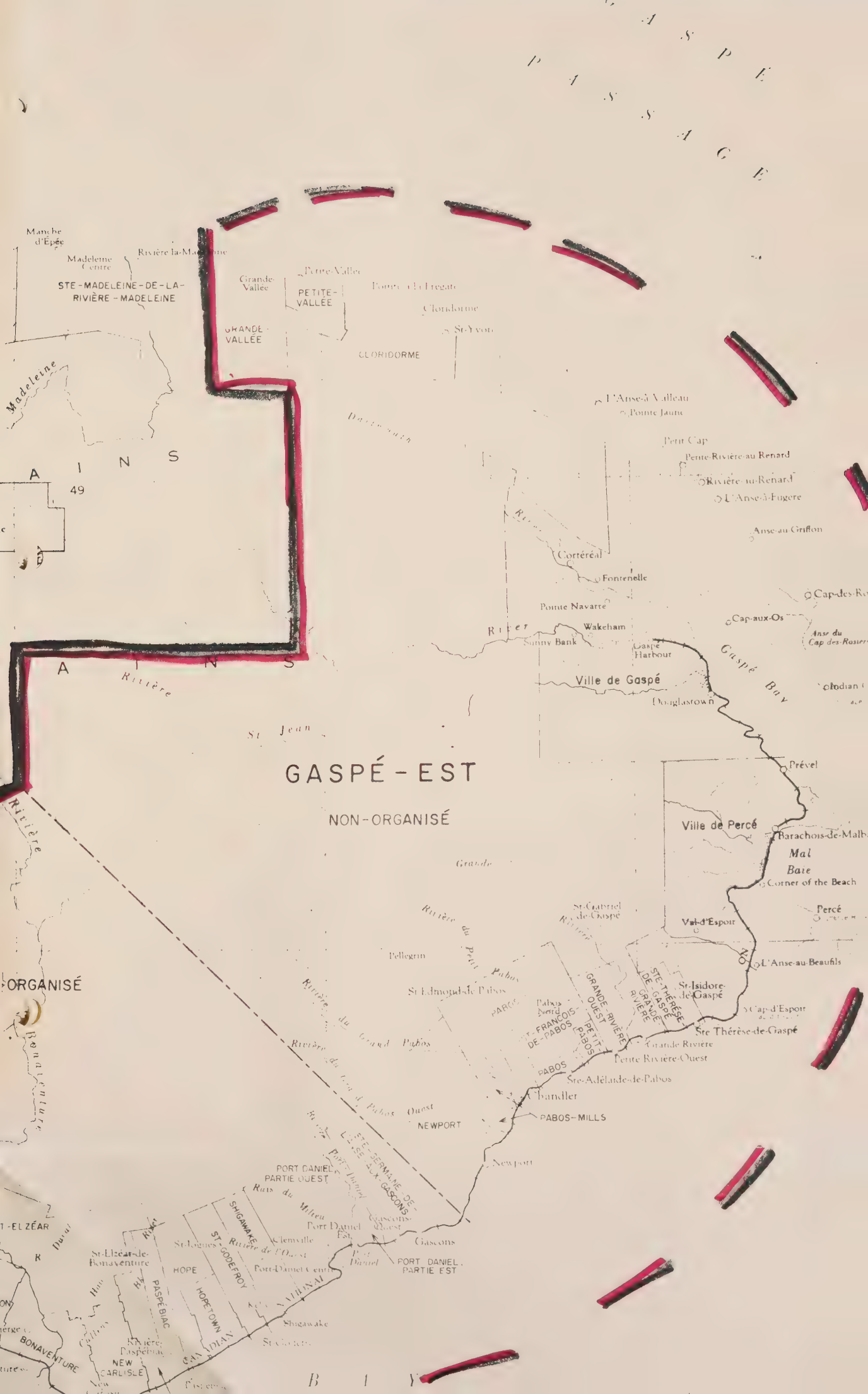


CENSUS SUBDIVISIONS THAT ARE
CONTIGUOUS WITH RECOMMENDED
DISTRICT AND IN WHICH E.M.T.
POPULATION IS $> 10\%$ BUT HAVE
BEEN EXCLUDED FROM THE DISTRICT









E.D. AND E.A.
Quebec

		TOTAL	ENGLISH	%	FRENCH	%	ALL OTHER	%
Manicouagan	T	80460	9025	11.2	66555	82.7	4875	6.1
	M	41605	4855	11.7	34250	82.3	2495	6.0
	F	38855	4170	10.7	32300	83.1	2385	6.1
EA 001	T			0.0		0.0		0.0
	M			0.0		0.0		0.0
	F			0.0		0.0		0.0
EA 002	T	415	5	1.2	415	100.0		0.0
	M	220	5	2.3	220	100.0		0.0
	F	195		0.0	195	100.0		0.0
EA 003	T	1130	600	50.2	450	39.8		0.0
	M	600	355	59.2	240	40.0		0.0
	F	525	320	59.8	215	49.2		0.0
EA 004	T	895	900	100.6		0.0		0.0
	M	505	500	99.0		0.0		0.0
	F	395	390	98.7		0.0		0.0
EA 005	T	910	820	90.1	15	1.6	75	8.2
	M	460	425	92.4	5	1.1	35	7.6
	F	455	395	86.8	15	3.3	40	8.8
EA 006	T	755	625	92.1	65	8.6		0.0
	M	395	370	93.7	30	7.6		0.0
	F	355	320	90.1	35	9.9		0.0
EA 007	T	415	30	7.2	385	92.8		0.0
	M	210	15	7.1	195	92.9		0.0
	F	205	15	7.3	190	92.7		0.0
EA 008	T	580	580	100.0		0.0		0.0
	M	315	320	101.6		0.0		0.0
	F	260	260	100.0		0.0		0.0
EA 009	T	420	175	41.7	240	57.1		1.2
	M	220	100	45.5	120	54.5		0.0
	F	195	75	38.5	120	61.5		0.0
EA 010	T	475		0.0	15	3.2	460	96.8
	M	250		0.0	5	2.0	245	98.0
	F	230		0.0	15	6.5	215	93.5

E.D. and E.A., QUEBEC, MANICOUAGAN

TOTAL of: E.A. 003, 004, 005, 006, 007, 008, 009, 010

	<u>TOTAL</u>	<u>ENGLISH</u>	<u>%</u>	<u>FRANCAIS</u>	<u>%</u>	<u>OTHER/AUTRES</u>	<u>%</u>
Total	5,580	3,880	69.5	1,170	21.0	535	9.6
Male	2,955	2,085	70.6	595	20.1	280	9.5
Female	2,680	1,775	66.2	590	22.0	255	9.5

Note: The boundaries of the district will either be the boundaries of the enumeration areas (E.A.'s) or the boundaries of the school district.



MEMORANDUM

NOTE DE SERVICE

TO
A

To all Members,

FROM
DF

D.G. Cartwright,

SECURITY CLASSIFICATION DE SECURITE

OUR FILE N. REFERENCE

YOUR FILE V. REFERENCE

October 5, 1973

SUBJECT
OBJET

Data Sheets for Recommended Districts in Quebec.

The data sheets that are enclosed are for four of the five districts that are to be considered for the province of Quebec:

- i Pontiac-Gatineau
- ii Argenteuil-Deux-Montagnes
- iii Huntingdon-Compton
- iv Bonaventure-Gaspé Est

The data for the fifth district, Cote Nord du Golfe St-Laurent, were enclosed with the maps of the districts.

At the end of the information on Argenteuil-Deux-Montagnes and Huntingdon-Compton data are given for those census subdivisions that are contiguous with the district but that have been excluded from the recommended district. Please refer to the maps for the location of these exterior subdivisions.

D. G. Cartwright

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET POURCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

District of Huntingdon - (partiel)		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT								
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		
		1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%	
Div.	Huntingdon (part)																							
S.L.	Dundee	51		54		41		27		57		47		44		- 26	-5.1	+	50	- 21	-1.1	- 13	-3.4	
Sub	Elgin	45	45	7	175	21	150	5		70	100.0	82	100.0	5		- 40	-3.1	- 76	-1.4	+	21	+0.1	+	4
Sub	Franklin	11	11	7	31	7		50		27	100.0	34	100.0	3		- 28	-3.1	- 10	-2.1	- 22	-3.1	+	5	
Sub	GodManchester	4,701	4,701	1,301	1,301	1,541	1,541		17	441	41.1	541	41.1	17		+	72	-2.1	- 10	-1.1	+	14	+1.1	- 12
	Rural subdivision	1,404	1,404	414	40	711	40	49		71	40.4	40	40.4	14										
T/V	Huntingdon	3,174	3,174	1,241	1,241	1,124	1,124	42		39	100.0	41	100.0	14										
Sub	Havelock			107		107		14		48	100.0	41	100.0	4		+	3	-1.1	+	41	+1.1	+	7	
Sub	Hemmingford	1,541	1,541	1,111	1,111	1,164	1,111	125	14	44	44.1	41	41.1	4		+	10	-1.1	+	10	-1.1	+	20	+1.1
	Rural subdivision	1,117	1,117	40	40	111	111	111		10	100.0	10	100.0	10										
Vill	Hemmingford			40	40	40	40			10	100.0	10	100.0	10										
Sub	Hinchinbrook	1,134	1,134	1,177	1,177	387	387	75		71	100.0	10	100.0	40		+	171	+1.1	+	128	+1.1	- 10	-1.1	
Sub	St. Anicet	1,511	1,511	10	10	1,141	1,141			10	100.0	10	100.0	10		+	10	-1.1	+	10	-1.1	+	4	
	Total (Huntingdon, pt.)	1,111	1,111	1,111	1,111	1,111	1,111	1,111	1,111	1,111	1,111	1,111	1,111	1,111	1,111	+	1,111	+	1,111	+	1,111	+	1,111	

17, 18

[illegible]

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET PROCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

Huntingdon - Compton		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT											
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES					
		1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%				
(Div. Brome)																											
Sub	Adamsville	2,064	2,265	608	665	1,354	1,565	102	35	29.5	29.4	65.6	66.9	14.9	1.5												
	Rural Subdivision	1,351	1,410	373	410	876	970	102	30	27.6	29.1	64.8	68.8	87.6	2.1												
Vill	Adamsville	390	495	29	45	361	450	--	--	7.4	9.1	192.6	90.9	--	--												
Vill	East Farnham	323	360	206	210	117	145	--	5	63.8	58.3	36.2	40.3	--	1.4												
Sub	Austin	762	1,060	335	485	382	510	45	65	44.0	45.8	50.1	48.1	15.9	6.1	+	298	39.1	+	150	44.8	+	128	33.5	+	20	
Sub	Bolton-Est	1,109	990	508	455	589	530	12	5	45.8	46.0	53.1	53.1	0.5		-	119	10.7	-	53	10.4	-	59	10.0	-	7	
	Rural Subdivision	472	465	361	360	103	100	8	5	76.5	77.4	21.8	21.5	1.7	1.1												
Vill	East Man	637	525	147	95	486	430	4	--	23.1	18.1	76.3	81.9	0.6	--												
Sub	Bolton-Ouest	552	520	449	410	101	85	2	25	81.3	78.8	18.3	16.3	0.4	4.8	-	32	5.8	-	39	8.7	-	16	15.8	+	23	
Sub	Potton	1,796	1,660	911	885	792	670	93	105	50.7	53.3	44.1	40.4	5.2	6.3	-	136	7.6	-	26	2.9	-	122	15.4	+	12	
Sub	St-Etienne-de-Bolton	311	305	40	70	262	230	9	5	12.9	23.0	84.2	75.4	2.9	1.6	--	6	1.9	+	30	75.0	-	38	12.2	-	4	
Sub	Sutton	3,227	3,005	1,693	1,580	1,440	1,290	94	135	52.5	52.6	44.6	42.9	2.9	4.5	-	226	6.9	-	113	6.7	-	150	10.4	+	41	
	Rural Subdivision	1,094	950	678	605	352	260	64	85	62.0	63.7	32.2	27.4	5.8	8.9												
T/V	Sutton	1,755	1,685	871	830	874	825	10	30	49.6	49.3	49.8	49.0	0.6	1.8												
Vill	Abercorn	378	370	144	145	214	205	20	20	38.1	39.2	56.6	55.5	4.3	5.4												
(Div. Brome)																											
T/V	Bromont	--	1,090	--	210	--	855	--	25	--	19.3	--	78.4	--	2.3												
T/V	Lac Brome	3,591	4,060	2,413	2,705	1,026	1,250	152	105	67.2	66.6	28.6	30.8	4.2	2.6												
Vill	Brome	279	295	218	230	44	50	17	15	78.1	78.0	15.8	16.9	5.1	5.1	+	16	5.7	+	12	5.5	+	6	13.6	-	2	
Total (Brome, pt.)		13,691	15,250	7,175	7,695	5,990	7,035	526	520	52.4	50.5	43.8	46.1	3.4		+	3,975	11.4	+	520	7.2	+	1,045	17.4	-	6	1.1

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET PROCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

MOTHER TONGUE - LANGUE MATERNELLE		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT							
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES	
		1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
Div.	Standstead (part)																						
Sub	Barnston	1,384	1,750	176	140	1,248	1,610	-	--	12.6	7.9	81.4	82.1	1.4	1.4	-	2.1	-	2.1	-	7.7	-	2.7
Sub	Barnston-Ouest	282	300	181	170	48	40	-	-	64.2	56.7	71.9	70.0	4.4	4.3	-	1.6	-	1.3	-	4.8	-	10.7
Sub	Hatley	1,274	1,710	427	410	810	1,300	18	10	33.1	7.5	64.9	82.5	4.4	1.1	+	3.1	+	7.7	+	6.1	+	18.7
	Rural Subdivision	555	570	34	300	140	130	14	-	71.4	7.8	28.3	1.6	2.3	1.4								
Vill	North Hatley	710	715	400	410	20	10	-	-	56.3	57.3	43.7	42.7	1.7	1.4								
Sub	Hatley, Partie Ouest	447	585	444	450	20	135	13	1	69.6	67.7	72.7	68.1	1.1	1.1	+	1.0	+	1.1	-	31	+	7
	Rural Subdivision	100	440	12	355	10	13	13	1	4.0	1.1	95.9	68.8	3.3	1.4								
Vill	Hatley	247	215	207	180	37	35	--	-	84.2	83.7	15.8	16.7	--	1.3								
Sub	Ogden	1,205	1,205	1,724	1,710	1,008	1,020	23	-	67.1	84.6	32.9	15.1	1.3	1.3	-	1.7	-	4.1	-	18	-	6
	Rural Subdivision	210	700	61	55	141	110	2	--	34.1	71.4	65.7	28.1	1.1	--								
Vill	Beebe Plain	1,563	1,575	760	585	580	600	21	10	48.6	44.7	44.7	50.1	1.3	1.3								
Vill	Standstead Plain	1,117	1,110	407	380	700	730	7	1	42.7	44.7	57.3	55.3	1.3	1.3								
Sub	Ste-Catherine-de-Hatley	1,050	1,920	442	705	480	1,215	0	1	42.1	36.7	57.9	63.3	1.3	1.3	+	1.3	+	1.3	+	143	+	16
	Rural Subdivision	203	580	48	110	700	47	13	--	19.7	11.1	80.3	88.9	1.1	--								
Vill	Ayer's Cliff	747	700	114	115	630	585	-	-	15.3	16.4	84.7	83.6	1.1	1.1								
Sub	St-Mathieu-de-Dixville	440	500	169	185	270	315	-	-	38.4	37.0	61.6	63.0	1.7	1.7	+	1.0	+	1.0	-	77	+	14
	Rural Subdivision	321	-	57	45	264	270	-	--	17.3	16.1	82.7	83.9	1.7	--								
Vill	Dixville	521	55	152	140	369	410	4	1	29.2	43.6	70.8	56.4	1.7	1.7								
Sub	Standstead	803	710	403	430	400	280	4	--	50.1	60.7	49.9	39.8	1.5	--	-	1.5	-	1.5	-	10.8	-	4
Sub	Standstead-Est	2,464	2,100	1,122	1,140	1,342	960	24	1	45.5	53.3	54.5	46.7	1.1	1.1	-	1.0	-	1.0	-	10.8	-	3
	Rural Subdivision	856	910	345	380	511	530	10	15	40.1	40.2	59.7	59.7	1.1	1.1								
T/V	Rock Island	1,608	1,340	540	700	748	700	10	1	33.5	52.3	66.5	47.7	1.1	1.1								
	TOTAL (Standstead, pt)	13,007	12,690	5,007	4,610	7,901	8,080	100	100	40.1	51.4	59.9	48.6	1.1	1.1	-	1.0	-	1.0	-	38	-	13

Huntingdon - Compton		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT							
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS	FRENCH FRANCAIS	OTHER AUTRES	TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES				
		1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
Div.	Sherbrooke																						
Sub.	Ascot	6,130	8,130	3,947	4,340	2,125	3,700	96	140	62.8	53.1	35.4	45.2	1.8	1.7	+ 2,050	+33.4	+ 493	+12.8	+ 1,515	+69.3	+ 42	+42.9
	Rural subdivision	2,430	4,320	1,194	1,550	1,189	2,720	48	50	60.1	35.9	48.0	60.0	0.6	0.6								
	Lennoxville	3,699	3,860	2,653	2,790	996	980	50	90	71.7	72.3	26.0	25.4	1.4	1.3								
	Total (Sherbrooke)	6,130	8,130	3,947	4,340	2,125	3,700	96	140	62.8	53.1	35.4	45.2	1.8	1.7	+ 2,050	+33.4	+ 493	+12.8	+ 1,515	+69.3	+ 42	+42.9
Div.	Compton																						
Sub	Bury	1,382	1,145	778	680	574	445	30	10	56.3	59.4	41.5	30.7	2.2	0.1	- 237	-17.1	- 98	-12.6	- 119	-20.7	- 20	-66.7
Sub	Clifton, partie Est	462	425	141	106	340	223	1	-	20.2	23.5	73.0	77.4	0.2	-	- 37	-8.0	- 21	-17.4	- 10	-21.1	- 1	
Sub	Compton	1,321	1,315	254	220	1,061	1,095	6	-	14.2	16.7	8.3	53.3	0.9	-	- 6	-0.5	- 34	-13.4	+ 34	+3.1	- 6	
	Rural subdivision	778	810	173	165	604	645	1	-	22.2	20.4	77.6	79.6	0.2	-								
Will	Compton	543	505	81	55	457	450	5	-	14.9	10.9	84.2	89.1	0.9	-								
Sub	Compton Station	2,217	2,305	557	550	1,638	1,700	10	15	55.1	27.9	77.9	75.5	1.0	0.7	+ 88	+4.0	- 7	-1.3	+ 130	+6.2	- 7	
	Rural subdivision	887	825	106	120	771	700	10	5	12.0	14.5	86.9	84.8	1.1	0.6								
T/V	Waterville	1,330	1,480	451	430	867	1,040	12	10	33.9	29.1	65.2	70.3	0.9	0.7								
Sub	Eaton	3,794	3,945	1,480	1,360	2,245	2,565	69	20	39.0	34.5	59.2	65.0	1.8	0.5	+ 151	+4.0	- 120	-8.1	+ 200	+14.5	- 40	-71.0
	Rural subdivision	1,593	1,595	641	640	901	950	51	5	40.2	40.1	56.6	59.6	3.2	0.3								
T/V	Cookshire	1,412	1,485	385	280	1,021	1,200	6	5	27.3	18.9	72.3	80.8	0.4	0.3								
Will	Sawyer ville	789	865	454	440	323	415	12	10	57.5	50.9	40.9	48.0	1.6	1.2								
Sub	Hampden	277	160	37	25	230	125	10	10	13.4	15.6	83.0	78.1	3.6	6.2	- 117	-42.2	- 14	-32.4	- 105	-45.7		
Sub	Lingwick	1,836	1,530	362	275	1,457	1,230	17	25	19.7	18.0	79.4	80.4	0.9	1.6	- 306	-16.7	- 87	-24.0	- 227	-156	+ 9	
	Rural subdivision	798	610	102	75	681	525	15	10	12.8	12.3	85.3	86.1	1.9	1.6								

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
 REPARTITION NUMERIQUE ET PROCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

Huntingdon - Compton		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT									
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES			
				1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
T/v	Scotstown	1,038	920	260	200	776	705	2	15	25.0	21.7	74.8	76.6	0.2	1.7										
Sub	Newport	1,134	844	403	434	424	435	7	15	44.4	50.5	55.0	47.4	0.6	1.9	-	1.79	-24.2	-	26	-13.5	-	210	-35.1	+ 8
	Total (Compton)	12,423	11,680	4,092	3,645	8,169	7,445	162	95	32.9	31.2	65.8	68.0	1.3	0.8	-	743	-6.0	-	447	-10.9	-	224	-2.7	- 67
Div	Wolfe																								
Sub	Dudswell	1,436	1,570	310	295	1,514	1,280	7	5	17.2	18.2	81.5	81.5	0.3	0.3	-	14.6	-14.5	-	31	-9.8	-	234	-15.5	- 1
	Rural subdivision	830	620	117	115	709	505	4	-	14.1	18.5	85.4	81.5	0.5	-										
Vill	Bishopston	345	335	153	115	192	215	-	5	44.3	34.3	55.7	64.2	-	1.5										
Vill	Marbleton	661	615	46	55	613	560	2	-	7.0	8.9	92.7	91.1	0.3	-										
	Total (Wolfe)	1,836	1,570	316	285	1,514	1,280	7	5	17.2	18.2	81.5	81.5	0.3	0.3	-	14.6	-14.5	-	31	-9.8	-	234	-15.5	- 1
Div	Frontenac																								
Sub	Milan	390	270	48	35	337	230	5	5	12.3	13.0	86.4	85.2	1.3	1.9	-	120	-30.8	-	13	-27.1	-	107	-31.8	
	Total (Frontenac)	390	270	48	35	337	230	5	5	12.3	13.0	86.4	85.2	1.3	1.9	-	120	-30.8	-	13	-27.1	-	107	-31.8	
	Total (DISTRICT)	82,801	91,100	32,767	34,455	47,950	54,700	1,084	1,055	39.1	37.8	57.9	60.0	2.5	2.1	+ 9,299	+10.0	+ 1,688	+5.2	+ 6,750	+14.1	- 120	-6.2		

1 - The data for 1961 for Brome County are only approximate. Boundary adjustments were made for the census division (Brome) and for census subdivisions within the county between 1961 and 1971.

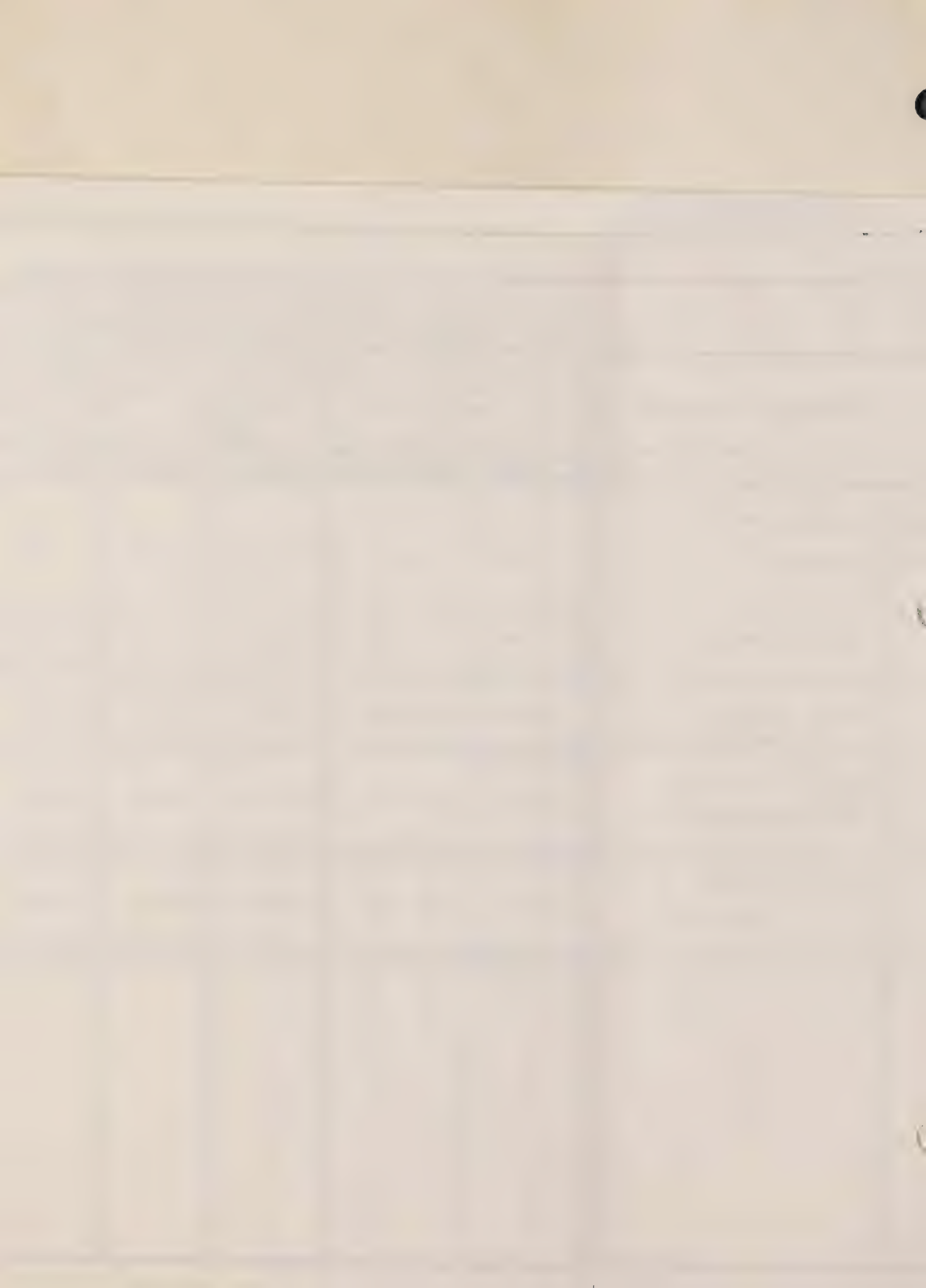
NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
 REPARTITION NUMERIQUE ET POURCENTUELLE DE LA POPULATION, SELON LA LANGUE MÈRE, RECENSEMENTS DE 1961 ET 1971

Municipality - Commune Entité municipale		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT							
				ENGLISH ANGLAIS		FRENCH FRANÇAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANÇAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANÇAIS		OTHER AUTRES	
				1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
I. CHATEAUGUAY (part)																							
Sub	St-Malachie-d'Ormstown	5,356	5,575	1,491	1,525	1,276	1,277	5	5	28.0	27.3	24.0	22.7	0.5	0.5	+ 219	4.1	+ 49	0.9	+ 135	2.4	+ 10	0.2
	Rural Subdivision	1,533	1,541	50	50	303	303	4	4	45.0	45.4	45.7	45.7	0.3	0.3								
	Ormstown	1,507	1,510	1,441	1,475	857	874	10	11	4.8	4.7	1.1	1.1	1.1	1.1								
Sub	Très-Saint-Sacrement	1,247	1,270	1,140	1,120	57	55	5	5	91.5	90.7	98.2	98.7	1.1	1.1	+ 23	1.9	+ 20	1.6	- 22	-1.8	- 18	-1.5
	Rural Subdivision	1,343	1,445	736	845	554	585	5	20	55.0	58.9	41.3	40.1	1.3	1.4								
Village	Howick	647	575	310	285	343	285	2	5	47.4	49.6	37.4	30.3	1.7	1.7								
	TOTAL (CHATEAUGUAY, pt)	5,356	5,575	2,521	2,645	2,717	2,820	12	11	47.4	47.3	24.0	22.7	0.5	0.5	+ 219	4.1	+ 114	2.0	+ 133	2.4	+ 8	0.2
II. ST-JEAN (part)																							
Sub	St-Blaise	1,164	1,440	127	170	1,037	1,270	11	11	10.9	11.8	88.7	88.1	0.2	0.2	+ 176	15.2	+ 39	2.7	+ 143	12.5	- 1	-0.1
Sub	St-Paul-De-L'Ile-aux- Noix	681	715	46	105	635	610	5	10	6.7	11.2	93.3	88.8	0.1	1.1	+ 34	5.0	+ 59	8.5	+ 124	17.3	+ 7	1.0
	TOTAL (ST-JEAN, pt.)	1,845	2,155	183	275	1,672	1,880	16	21	17.6	18.5	88.7	88.1	0.2	0.2	+ 210	11.4	+ 98	4.6	+ 167	12.2	+ 6	0.3

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET POURCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

HUNTINGDON-COMPTON (External subdivisions)		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT							
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES	
				1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
DIV	SHEFFORD (part)																						
SUB	St-Joachim-de-Shefford	910	915	107	120	796	775	7	20	21.8	13.1	167.5	84.7	0.7	2.2	-	0.5	- 13	12.1	- 21	-2.6	+ 13	
SUB	Shefford	6,456	7,065	1,665	1,555	4,700	5,445	91	65	25.8	22.0	72.8	77.1	1.4	0.9	- 609	9.4	- 110	-6.6	+ 745	15.9	- 26	
	Rural subdivision	1,558	1,745	383	410	1,098	1,300	77	31	24.8	23.5	79.5	74.3	4.9	2.0								
T/V	Waterloo	4,543	4,935	1,193	1,065	3,336	3,850	14	20	26.1	21.6	75.4	78.0	0.3	0.4								
Vill	Warden	355	385	89	80	266	295	-	10	25.1	20.8	74.9	76.6	-	2.6								
SUB	Stukely-Sud	914	860	231	255	672	600	11	5	25.3	29.7	569.8	1.2	0.6		- 34	5.9	- 24	10.4	- 72	10.7	- 6	
	Rural subdivision	516	470	50	80	460	390	6		9.7	17.0	89.1	81.0	1.2	-								
Vill	Stukely-Sud	398	390	181	175	212	210	5	5	45.5	44.9	51.3	51.8	1.2	1.3								
	TOTAL (SHEFFORD, pt.)	8,280	8,840	2,003	1,930	6,168	6,820	109	90	24.2	21.8	74.5	77.1	1.3	1.0	+ 560	6.8	- 73	3.6	+ 652	10.6	- 19	17.4
DIV	SHERBROOKE (part)																						
SUB	Orford	324	495	155	150	169	335	-	10	47.8	30.5	52.2	67.7	-	2.0	+ 171	52.8	- 5	-3.2	+ 166	98.2	+ 10	
	TOTAL (SHERBROOKE, pt.)	324	495	155	150	169	335	-	10	47.8	30.5	52.2	67.7	-	2.0	+ 171	52.8	- 5	-3.2	+ 166	98.2	+ 10	

[illegible]



NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET PROCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

[illegible]

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET PROCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

District of Argenteuil - Deux-Montagnes		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT							
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES	
1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%		
Div.	ARGENTEUIL (part)																						
SUB	Arundel	512	445	321	305	181	135	10	10	62.7	68.5	35.4	30.3	2.0	2.2	- 67	-13.1	- 16	5.0	- 46	25.4		
	Rural subdivision	456	395	308	275	138	110	10	10	67.5	69.6	30.3	27.8	2.2	2.5								
SUB	Barkmere	56	50	13	30	43	25	-	-	23.2	60.0	76.8	50.0	-	-								
SUB	Chatham	6560	6560	2084	1840	4261	4645	94	75	32.4	28.0	66.2	70.8	1.5	1.1	+ 121	1.9	- 244	11.7	+ 384	9.0	- 19	
	Rural subdivision	6021	3080	893	850	1870	2180	59	50	31.6	27.6	66.3	70.8	2.1	1.6								
VILL	Brownsburg	3417	3480	1191	990	2391	2465	35	25	32.9	28.4	66.1	70.8	1.0	0.7								
SUB	Gore	150	255	139	205	2	35	9	15	92.7	80.4	1.3	13.7	5.0	5.9	+ 105	70.0	+ 66	47.5	+ 33		+ 6	
SUB	Grenville	444	4135	1752	1595	2246	2500	68	40	43.1	38.6	55.2	60.5	1.7	1.0	+ 69	1.7	- 157	9.0	- 254	11.3	- 28	
	Rural subdivision	1247	1875	1175	1070	633	780	39	25	63.6	57.1	34.3	41.6	2.1	1.3								
VILL	Calumet	491	765	227	185	653	575	9	5	25.5	24.2	73.5	75.2	1.0	0.7								
VILL	Grenville	1330	1495	350	340	960	1145	20	10	26.3	22.7	72.2	76.6	1.5	0.7								
SUB	Harrington	434	700	548	580	129	105	11	15	79.7	82.9	18.8	15.0	1.5	2.1	+ 12	1.7	+ 32	5.8	- 24	18.6	+ 4	
SUB	Lac-Des-Seize-Iles	151	215	4	15	246	195	2	5	1.6	7.0	97.6	90.7	0.8	2.3	- 37	14.7	+ 11	- 51	20.7	+ 3		
SUB	Mille-Iles	227	370	181	230	25	130	21	10	79.7	62.2	11.0	35.1	9.3	2.7	+ 143	63.0	+ 49	27.1	+ 105	- 11		
SUB	Montcalm	151	245	149	125	98	115	4	5	59.4	51.0	39.0	46.9	1.6	2.0	- 6	-2.4	- 24	16.1	+ 17	17.3	+ 1	
SUB	Morin Heights	1140	1315	751	730	419	505	92	80	59.5	55.5	33.2	38.4	7.3	6.1	+ 54	+4.2	- 21	-2.8	+ 86	20.5	- 12	
SUB	St-Adolphe-D'Howard	1129	1335	514	345	765	955	19	35	39.6	25.8	58.9	71.5	1.5	2.6	+ 37	+2.9	- 169	32.9	+ 190	24.8	+ 16	
SUB	St-André-D'Argenteuil	240	2475	368	390	2012	2070	60	5	15.1	15.8	82.5	84.0	2.5	0.2	+ 25	+1.0	+ 22	+6.0	+ 58	+2.9	- 55	
	Rural subdivision	817	845	122	160	698	685	10	-	14.7	18.9	84.1	81.1	1.2	-								
VILL	Carillon	427	420	14	25	396	395	17	-	3.3	6.0	92.7	94.0	4.0	-								
VILL	St-André-Est	1181	1200	232	205	918	990	33	5	19.6	17.1	77.6	82.5	2.8	0.4								
SUB	Wentworth	71	145	71	120	1	25	-	-	98.6	82.8	1.4	17.2	-	-	+ 73		+ 49	69.0	+ 24			

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET PROCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

2.

		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT							
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES	
				1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
		1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
SUB	Wentworth-Nord	354	430	67	85	249	350	21	5	19.0	19.7	70.1	82.1	6.3	1.2	+ 54	+16.1	- 1	-1.5	+ 71	+28.5	- 16	-7.12
City	Iacnu ⁽¹⁾	11 10	1181	20	10	9290	970	1.1	1.0	10.0	10.0	90.0	90.0	1.1	1.0	+ 170	+1.7	+ 50	+1.7	+ 140	+1.5	-	-
	Total (Argenteuil, pt.)	3411	4030	154	181	19924	21165	508	420	30.0	30.0	70.1	82.1	1.6	1.4	+ 770	+2.2	- 344	-3.0	+ 1241	+4.2	- 116	-31.2
DIV.	DEUX-MONTAGNES (part)																						
SUB	St-Colomban	301	1670	57	115	247	1555	7	70	16.0	16.0	84.1	84.1	1.3	3.3								
City	Ste-Scholastique ⁽²⁾ (Mirabel)	14770	14700	140	570	1300	14130	71	4	4.0	3.0	94.6	96.9	0.6	0.6								
	Total (Deux-Montagnes, pt.)	14071	15855	107	170	13260	15685	108	115	1.0	1.0	94.3	95.0	1.3	0.3	+ 1284	+10.7	- 27	-3.0	+ 1704	+13.5	+ 17	+15.7
DIV.	PAPINEAU (part)																						
SUB	Namur ⁽³⁾	-	40	-	70	-	300	-	-	-	10.0	-	93.7	-	-								
SUB	Ponsonby	150	105	44	70	210	115	-	-	17.0	35.0	80.0	64.1	-	-								
	Total (Papineau, pt.)	250	145	44	140	210	415	-	-	17.0	22.1	80.8	77.9	-	-	+ 20		+ 101		+ 208			
	Total (District)	43930	40000	2005	1000	33000	30000	143	540	20.5	20.0	70.0	70.0	1.5	1.5	+ 100	+1.7	- 270	-2.7	+ 3233	+10.0	- 100	-10.0
	Contiguous subdivisions but outside recommended district Terrebonne, pt.	7854	14140	1082	1005	600	3000	274	20	10.3	10.5	90.2	91.7	1.5	1.5	+ 4000	+54.0	+ 100	+4.0	+ 3000	+37.5	+ 1	+10.0

RECONSTITUTION APPROXIMATIVE

(1) LACHUTE, c. (1961)

		T	E	F	O/A
SUB	St-Jérusalem-D'Argenteuil (pt.)	1101	494	596	11
C	Lachute	7560	1595	5877	88
Vill	Ayersville	2957	117	2817	23
		11618	2206	9290	122
		%	19.0	80.0	1.1

(2) STE-SCHOLASTIQUE, c. (1961)

		T	E	F	O/A
SUB	St-Jérusalem-D'Argenteuil (pt.)	1101	494	596	11
SUB	St-Augustin	1137	29	1096	12
Vill	St-Augustin	444	2	442	-
SUB	St-Benoît	971	8	963	-
Vill	St-Benoît	571	5	566	-
SUB	St-Canut	1114	24	1086	4
SUB	St-Hermas	1102	4	1095	3
SUB	Ste-Monique	1177	3	1172	2
SUB	Ste-Scholastique	1472	10	1456	6
Vill	Ste-Scholastique	838	11	826	1
SUB	St-Antoine-des-Laurentides	983	15	962	6
SUB	St-Janvier-de-Blainville	1811	16	1794	1
SUB	St-Janvier-de-Lacroix	1049	19	1005	25
		13770	640	13059	71
		%	4.6	94.8	0.5

(3) NAMUR (1961): Partie de Suffolk & Addington Subdivision en 1961.

NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
 REPARTITION NUMERIQUE ET POURCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

District - Gatineau - Pontiac		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT							
				ENGLISH ANGLAIS		FRENCH FRANÇAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANÇAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANÇAIS		OTHER AUTRES	
				1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
Div.	Papineau (part)																						
Sub.	Bowman	304	271	40	41	22	235	8	15	10.7	13.8	87.0	81.0	2.3	5.2	- 64	-18.1	+ 2	+5.3	- 73	-23.7	+ 7	-87.5
Sub.	Lachabre, Farley, Orest	427	47	11	11	11	44	-	-	28.3	21.4	71.0	78.1	0.0	-	+ 2	+1.4	- 31	-25.0	+ 28	+12.6	- 2	-100.0
Sub.	May	134	12	119	12	-	-	1	-	88.1	83.3	11.7	16.7	0.0	-	- 24	-17.9	- 13	-15.5	-	-7.7	- 1	-100.0
Sub.	MulGrave & Derry	21	234	0	12	1	1	1	-	7.7	74.0	0.0	10.0	0.0	4.0	- 21	-11.7	- 1	-0.0	- 21	-44.4	+ 1	-
Sub.	Val-les-Bois	102	102	102	102	102	102	1	-	13.1	11.2	86.9	88.8	0.0	0.0	- 41	-7.8	- 31	-28.4	- 18	-5.5	+ 4	-
E.D.	421 - Gatineau																						
	E.A./S.D. No. 057		255		45		210		5	10.7	13.8		87.0		2.3								
	E.A./S.D. No. 251		420		135		285		-	31.1	21.4		71.0		0.0								
	E.A./S.D. No. 252		330		80		250		5	24.2	16.7		74.0		1.5								
	E.A./S.D. No. 254		670		35		630		-	88.1	83.3		11.7		0.0								
	E.A./S.D. No. 255		410		235		140		30	77.3	74.0		24.3		7.3								
	Total (Papineau, pt)		3,745		1,000		2,675		70	26.7	21.4		71.4		1.9								
Div.	Gatineau (part)																						
Sub.	Aylwin	774	721	514	414	104	104	1	-	67.0	61.4	32.0	38.6	0.0	0.0	- 54	-13.2	- 104	-22.6	+ 24	+11.8	+ 4	-100.0
Sub.	Denholm	200	105	114	75	124	10	10	-	20.0	10.5	80.0	89.5	0.0	0.0	- 95	-22.5	- 104	-25.0	+ 1	+1.0	+ 17	-100.0
Sub.	Minors	532	375	443	375	443	375	10	-	16.6	10.5	83.4	89.5	0.0	0.0	- 157	-29.5	- 104	-20.0	+ 147	+27.3	+ 17	-100.0
Sub.	Low	1,111	605	645	721	104	104	-	-	51.4	21.4	48.6	78.6	0.0	0.0	- 505	-45.4	- 104	-21.4	+ 104	+23.1	-	-100.0
Sub.	Northfield	255	495	10	15	105	470	-	-	10.7	11.2	89.3	88.8	0.0	0.0	- 240	-10.0	+ 15	+3.0	- 105	-44.0	-	-
F.D.	450 - Pontiac																						
	E.A./S.D. No. 101		745		90		645		10	10.7	13.8		87.0		0.3								
	E.A./S.D. No. 102		475		310		150		10	10.7	13.8		87.0		0.3								
	F.A./S.D. No. 103		390		270		110		5	10.7	13.8		87.0		0.3								
	E.A./S.D. No. 106		345		235		100		10	10.7	13.8		87.0		0.3								
	E.A./S.D. No. 155		705		5		700		-	10.7	13.8		87.0		0.3								
	Total (Gatineau, pt.)		5,340		2,265		3,010		55	26.7	21.4		71.4		1.0								



NUMERICAL AND PERCENTAGE DISTRIBUTION OF POPULATION, BY MOTHER TONGUE, 1961 AND 1971 CENSUS YEARS
REPARTITION NUMERIQUE ET PROCENTUELLE DE LA POPULATION, SELON LA LANGUE MATERNELLE, RECENSEMENTS DE 1961 ET 1971

Gatineau - Pontiac		TOTAL		NUMBER - NOMBRE						PERCENTAGE - POURCENTAGE						CHANGE - CHANGEMENT									
				ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES		TOTAL		ENGLISH ANGLAIS		FRENCH FRANCAIS		OTHER AUTRES			
				1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	1961	1971	No.	%	No.	%	No.	%	No.	%
2.																									
Div	Pontiac (part)																								
Sub.	Alleyne & Cawood	213	165	164	140	47	25	4	-	74.9	84.8	11.5	5.1	3.6	-	- 54	-24.7	- 24	-14.0	- 22	-4.8	- 8	-100.0		
Sub.	Bristol	1,113	1,000	1,014	947	72	70	12	15	91.6	91.7	6.9	1.9	1.9	1.5	- 93	-8.4	- 84	-8.2	- 2	-2.8	- 7	-31.8		
Sub.	Chichester	623	568	455	450	158	90	0	0	73.7	68.0	35.4	14.0	0.9	0.9	- 58	-9.3	- 21	-4.6	- 78	-43.4	- 1	-16.7		
Sub.	Clarendon	3,165	3,385	2,970	3,185	131	155	25	25	93.8	94.1	4.1	4.0	2.1	1.3	+ 210	+7.0	+215	+7.2	+ 25	+19.2	- 20	-30.8		
Sub.	Rural Subdivision	1,031	1,040	1,515	1,555	71	65	45	20	92.9	94.8	4.4	4.0	2.7	1.2										
Vill.	Shawville	1,534	1,745	1,455	1,630	50	90	20	25	94.8	93.4	3.8	5.2	1.4	1.4										
Sub.	Grand-Calumet	1,305	1,035	334	270	408	755	3	10	25.6	26.1	74.2	72.9	0.2	1.0	- 270	-20.7	- 74	-19.2	- 113	-22.0	+ 7			
Sub.	Isle-aux-Allumettes, partie est	414	340	350	305	62	50	-	-	85.0	78.2	15.0	20.9	-	1.3	- 24	- 5.8	- 47	-13.4	+ 19	+29.0	+ 5			
Sub.	Isle-des Allumettes	1,100	1,175	517	500	508	520	5	-	46.2	56.2	53.4	44.3	0.4	-	+ 55	+4.9	+143	+27.7	- 78	-13.0	- 5	-100.0		
Sub.	Rural subdivision	540	540	263	300	370	345	2	-	35.0	40.9	63.8	53.9	0.3	-										
Sub.	Chapeau	540	535	301	370	223	175	3	-	57.2	67.3	42.2	31.7	0.6	-										
Sub.	Leslie, Clapham & Huddersfield	1,024	1,015	483	435	484	425	57	35	47.2	46.8	47.3	47.8	5.5	3.4	-	-0.9	+ 12	+2.5	+ 1	+0.2	- 22	-30.6		
Sub.	Litchfield	2,793	3,100	1,555	1,990	901	1,070	27	40	70.2	74.2	28.4	34.5	1.0	1.3	+ 317	+11.4	+ 35	+1.8	+20.9	+23.6	+ 13	+48.1		
Sub.	Rural subdivision	728	670	415	405	177	165	6	20	77.1	73.9	22.2	23.1	0.7	3.0										
Vill.	Bryson	577	910	277	415	25	60	4	10	51.6	50.1	47.7	48.1	0.7	1.2										
Vill.	Campbell's Bay	1,004	1,185	693	710	320	470	11	5	67.7	59.1	31.2	39.7	1.1	0.4										
Vill.	Portage-Du-Fort	424	425	370	375	62	55	7	5	87.3	86.2	11.3	12.6	1.4	1.1										
Sub.	Mansfield & Ponte Fract	3,312	3,605	424	510	2,070	2,090	18	17	12.8	14.1	86.7	85.4	0.5	0.4	+ 293	+8.8	+ 86	+20.3	+ 210	+7.3	- 3	-16.7		
Sub.	Rural subdivision	1,489	1,820	152	250	1,730	1,780	6	10	10.3	13.7	89.3	86.7	0.4	0.5										
Vill.	Fort-Coulonge	1,823	1,785	271	260	1,540	1,500	15	5	14.9	14.6	84.5	85.2	0.6	0.3										
Sub.	Rapides-Des-Joachims	347	230	204	150	136	75	4	5	58.8	65.2	40.1	32.0	1.1	2.2	- 117	-33.7	- 54	-20.5	- 64	-16.0	+ 1	+25.0		
Sub.	Sheen, Esher, Aberdeen & Malakoff	253	195	244	185	3	5	-	-	96.4	94.9	1.2	2.6	2.4	2.0	- 58	-22.9	- 50	-24.2	+ 2	+66.7	- 1	-16.7		
Sub.	Thorne	413	295	219	225	34	11	110	60	65.1	76.3	8.2	3.4	20.7	20.3	- 118	-28.6	- 44	-16.4	- 24	-70.6	- 50	-45.5		
Sub.	Waltham & Bryson	541	490	376	385	161	110	4	-	69.5	78.6	29.8	22.4	0.7	-	- 51	-9.4	+ 9	+2.4	- 51	-31.7	- 4	-100.0		
S.D.	450 - Pontiac																								
	E.A./S.D. No. 211		545		30		515		5		5.5		94.5	0.9											
	Total (Pontiac, pt.)		17,210		9,945		7,035		245		57.8		40.3	1.4											
	Total - District		26,295		13,210		12,720		370		50.2		48.4	1.4											

*NOTE:

Parts of these E.A.'s are included within the boundaries of the National Capital Region. Data given is for whole E.A.

Ces secteurs de dénombrement (S.D.) chevauchent les limites de la Région de la Capitale Nationale. Les statistiques données correspondent aux S.D. entiers.

CONSEIL CONSULTATIF DES DISTRICTS BILINGUESCompte rendu de la visite de la région de
Arborfield et Zenon Park, Sask.

les 4, 5 et 6 octobre 1973

Ce préambule fait état des dates, endroits et personnes rencontrées aux endroits indiqués. Les commentaires pertinents à cette tournée, tels que préparés par les membres du Conseil participant à la visite, se trouvent en annexe.

Vendredi, le 5 octobre 1973- ARBORFIELD, Sask. -

La délégation du Conseil incluant les personnes suivantes, se sont rendues à Arborfield à 14h30 pour rencontrer le préfet de la municipalité rurale de Arborfield, le maire de Arborfield, le clerk de Arborfield et quelques membres du Conseil municipal:

A. Monnin, Comm.

Jane Carrothers, Comm.

Yvonne Raymond, Comm.

Roland Morency, Sec.gen.associé

M. E.P. Sawchyn, clerk de la municipalité de Arborfield, avec qui le Secrétaire général s'était entretenu au téléphone a informé les membres du Conseil qu'aucune des personnes visées par cette rencontre avait signifié un intérêt quelconque et s'était rendu au rendez-vous. Les renseignements obtenus plus tard à Zenon Park semblent indiquer que M. Sawchyn, n'étant pas lui-même très favorable à l'idée des districts bilingues, aurait saboté les possibilités de cette rencontre.

- ZENON PARK, Sask. -

A 20h, la délégation rencontrait au centre culturel de Zenon Park quelque 32 personnes convoquées par M. Henri Poulin de Zenon Park.

Les personnes suivantes étaient présentes:

Rita C. Hudon,

Catéchèse et Dame Auxiliaire
de la paroisse de Zenon Park,
Zenon Park, Sask.

Laura M. Archer,

Dame Auxiliaire, Zenon Park

Marthe Chartier,

Membre du centre culturel et
secrétaire des Dames Auxiliaires,
Maitresse de poste et membre de
l'ACFC, Zenon Park, Sask.

Soeur Claire Dargis,	Secrétaire ACFC, Centre culturel rex mundi, Conseil d'administration paroissiale, Membre des Dames Auxiliaires FFCF, Zenon Park
Mme Bertha Poulin,	Conseil d'administration paroissiale, Dame de la Fédération canadienne-française, membre du FFCF et Dames Auxiliaires, Zenon Park, Sask.
Marguerite Perrault,	Membre du FFCF et Dames Auxiliaires, Zenon Park, Sask.
Rita Perrault,	Membre du FFCF et Dames Auxiliaires, Zenon Park, Sask.
Bernard Perrault,	Zenon Park, Sask.
Robert Perrault,	Président des "Blés d'or", Zenon Park
Jean Courteau,	Agent d'assurance-vie, Président du comité de l'hôpital, Zenon Park
Florent Lalonde,	Garagiste, Conseil du village, Zenon Park, Sask.
Lawrence R. Wassill,	Implement dealer and mayor of Zenon Park Village, Zenon Park, Sask.
Georges Pelletier,	Marchand-épicier, Zenon Park, Sask.
Cécile Marchildon,	Etudiante, Zenon Park, Sask.
Marguerite Marchildon,	Etudiante, Zenon Park, Sask.
Armand Dion,	Fermier, Grand Commissaire, Secrétaire de ZP Industries Ltd. C.P. 247, Zenon Park, Sask.
Henri Poulin,	Président du centre culturel Président de ZP Industries Ltd. C.P. 53, Zenon Park, Sask.
Louise Dion,	Zenon Park, Sask.
Alice Valois,	Membre de l'ACFC et centre culturel Dames Auxiliaires, Zenon Park, Sask.
Jeanne Leblanc,	Présidente de la Fédération des Femmes canadiennes-françaises, C.P. 61, Zenon Park, Sask.

TO
A Members of the BoardFROM
DE Secretary General

SECURITY CLASSIFICATION DE SECURITE

REFERENCE

July 19/73

SUBJECT: View of Stanley Korchinsky, M.P.
OBJET: for Mackenzie concerning the visit
of Board Members to the proposed
bilingual district of Zenon Park-
Arborsfield, Sask.

In attempting to make arrangements for further meetings with Members of Parliament for Thursday, July 19 as requested by the Board at its last meeting on June 22-23, I experienced the first refusal I have had on the part of a Member to meet with the Board himself, out of about 25 Members, principally from the Prairie provinces but not exclusively, with whom I have been in touch personally or through their Secretaries or Assistants. This was the case with Mr. Stanley J. Korchinsky, Progressive-Conservative Member of Parliament representing the Mackenzie constituency in Saskatchewan which is part of the proposed Zenon Park -Arborsfield district. The Western part of this district is located in the Prince Albert federal constituency. The Mackenzie constituency also contains further South the village of Perigord and the town of Kelvington in the rural municipality of Kelvington Census subdivision 366 which was being considered by the Board earlier as a possible district. (Both rural municipalities referred to are within Census division no. 14). Mr. Korchinsky's refusal, or lack of willingness, to meet with Members of the Board in Ottawa to discuss the question of possible bilingual district in an area forming part of his constituency, was not because of lack of interest or concern or because he thought the subject was not important. On the contrary, he felt that it was sufficiently serious to justify the time and expense involved in Members of the Board making a trip to visit the area themselves and talking to the people on the spot. Mr. Korchinsky was sufficiently clear and definite in his expression of views on this matter, that I felt I should report them in some detail to Members of the Board for your consideration and information and any action that you may wish to take.

In reply to my request that he and other Members from Saskatchewan meet with Members of the Board and my explanation of the purpose of the meeting, Mr. Korchinsky said immediately that it was not enough to get his opinion, that this would not be valid. He felt strongly that the Board should visit the area itself and talk to the people on the spot. While he did not say so directly, I got the impression that Mr. Korchinsky was aware that no Member of

the Board had visited this particular location at least in their capacity as Board Members and indeed the area was not visited by the first Board which recommended it as a bilingual district.

I explained that the Board had been doing a great deal of travelling and that they had visited many of the potential bilingual areas but that they had not been able to visit them all up to the present time, and unfortunately this was one district which had had to be put aside at least for the time being. Mr. Korchinsky said this was "not a matter to be taken lightly" and that "he would want you to do a good job and not louse things up.". He said that "if we i.e. the Government or the country, are going to go through with this policy, it is important to do it thoroughly". This visit would not cost overly much in view of what is already being spent on the whole bilingual program.

During our telephone conversation, Mr. Korchinsky discussed some aspects of the situation with which he was obviously quite familiar. He said that there was a cleavage between Zenon Park and Arborfield which are only about six or seven miles apart. This reflects the difference between English and French. He said that the village of Zenon Park was strictly French and the people were very much inclined to live within themselves. He said that they were quite self-sufficient and that they had done everything in their power to survive and were conscious that they had to survive as a group. He felt that they had done quite well and mentioned setting up co-ops and a pelletizing plant which ships pellets to Japan via the West Coast. Also a small sewing factory tries to employ from 10 to 15 people. The farming land is good. (fyi. The village of Zenon Park has a total population of 384 according to the 1971 Census of which 345 persons or 89.8% are French-mother-tongue. The total population and the French-mother-tongue population of the village has declined over the ten year period but the French-mother-tongue population still represents 72.5% or 250 people out of a total of 345. The town of Arborfield on the other hand is overwhelmingly English-speaking with 84.5% EMT out of a total of 420. 4.8% claim French as a mother-tongue that is 20 persons and 10.7 have mother tongues other than French or English).

According to the 1971 Census the rural municipality of Arborfield Census subdivision 456 had 22.7% French-mother-tongue and subdivision no. 457 had 16.5% for a total between the two subdivisions of 425 persons."

Mr. Korchinsky said that he appreciates the fact that the French-speaking people in Zenon Park want to retain their identity and said that some of them write him in French. He didn't know how helpful he could be but he certainly did not want to stand in the way of anything which could be done to correct injustices of the past or to help the people to survive. On describing the differences between the two towns, he said "I insist that you go there and see for yourselves." Later in the conversation, he reiterated "my recommendation to you is to go out there. I will give you every help I can to organize a meeting. But to try to explain some policy to me alone would be a wasted effort."

Mr. Korchinsky said that he thought Zenon Park would be ideal as a bilingual locality and he also said plus Perigord. He mentioned the larger towns of Tysdale and Kelvington as being associated with these two. He said that he did not think that were would be any objection among other people in the area if the district was confined to the community of Zenon Park. People would go along with that and accept the fact that it was French-speaking as long as it was not labelled as an expansion beyond that. It should be a local effort. He stressed the limited nature of a possible district, although I was not clear exactly what he meant by that beyond the village or community, if anything. As long as you did not go beyond the locality there should be no problem, but otherwise, if you tried to stretch or extend it further you would run into trouble.

I thanked Mr. Korchinsky for his interest and frankness and told him that I would pass on his views to Members of the Board. While he was firm and insistent & I do not want to give the impression that he was either angry or antagonistic.

In the light of Mr. Korchinsky's concern the Board may want to review its previous decision not to make any further visits in Saskatchewan or Manitoba. There are four other areas proposed as districts in Saskatchewan which have not been visited by Members of the present Board although conversations were held with some French-speaking representatives I believe who came to either Saskatoon or Regina for that purpose. These areas are Gravelbourg-Willow Bunch, Redvers-Antler, Prince Albert region, and Prud-homme-Vonda. There are also five areas of Manitoba, one of which was not visited either by the first Board or by Members of the present Board, that is Ste Rose. Dr. Ritchie is the Member of Parliament from Dauphin constituency which includes Ste Rose and in the telephone conversation with him, he discussed the language situation and ethnic group relations in that area including a conflict between French and English about schools in the village of Laurier about which I had not previously heard. I expect Dr. Ritchie will be at the meeting tomorrow with some other Members from Manitoba to discuss districts in that province. The other proposed areas which I understand have not been visited this time are: Ellis-St Lazare, Mountain school division, White Horse school division, and St Georges-Powerview. There are also some areas in Ontario as well as Quebec which have not been visited and I believe the only visits the Board made in New Brunswick were to the cities of Fredericton and Saint John. No further visits may be necessary in New Brunswick and so far we have not had any queries of the kind we had following the visit of the first Board. We have not yet been in touch with any of the Members of Parliament from that province. Mr. Morency is compiling a complete list of the areas which have not been visited in case the Board wishes to review their previous decisions

E. L. Thompson

CONFIDENTIALBILINGUAL DISTRICTS ADVISORY BOARDReport on Visit to Zenon Park-Arborfield, SaskatchewanOctober 5, 1973

by

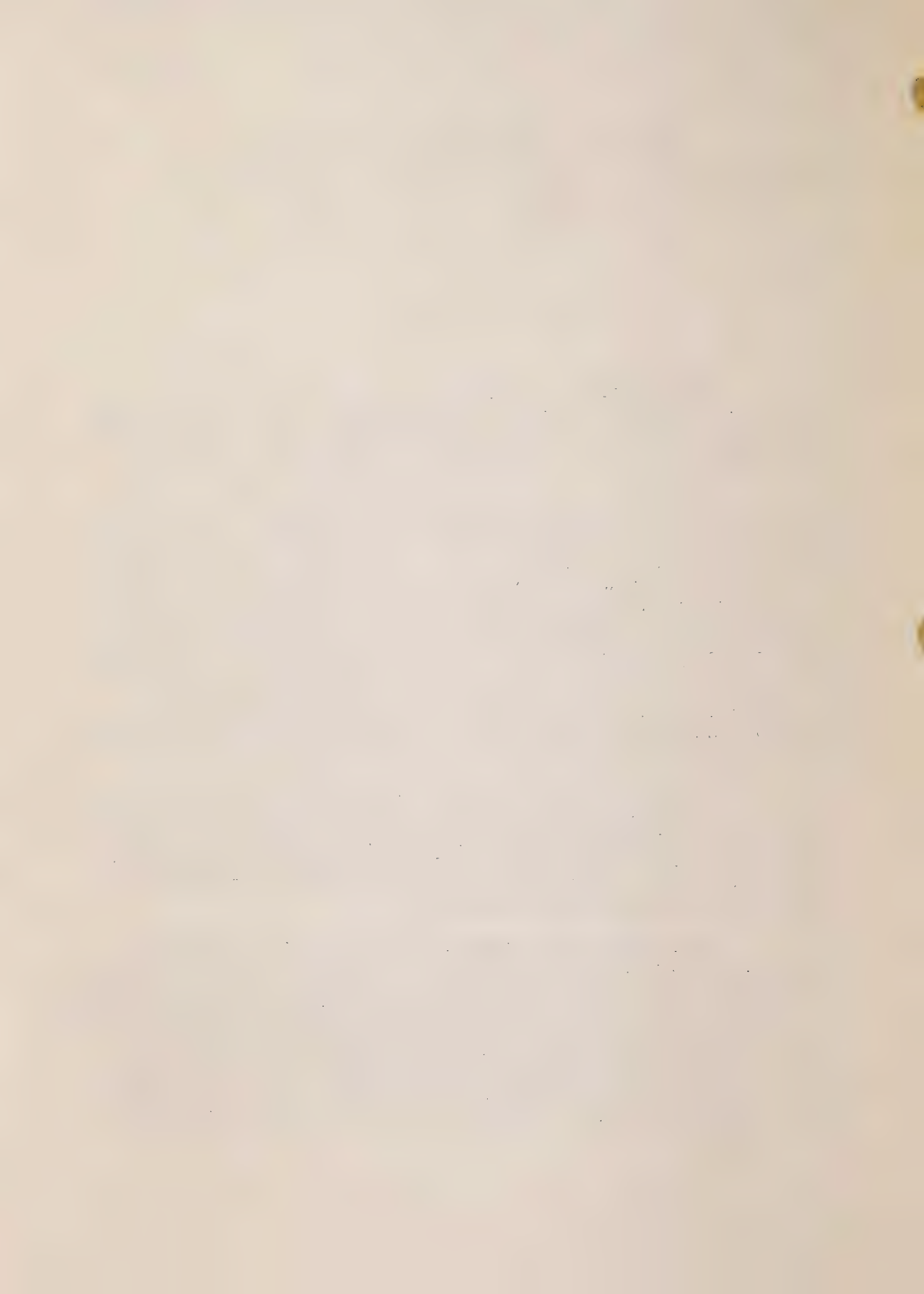
Jane Carrothers

Mme Raymond, Judge Monnin, Col. Morency and I left the Bessborough Hotel in Saskatoon by car at 9:00 a.m. in bright sunshine. The harvest colours still clothed the fields and copses giving life to this immense land.

We had 200 miles to drive to reach the village of Arborfield, which lies east of Prince Albert. Members will recall the efforts made by Dr. Cartwright to carve out a large district for this region as a remedy for the measles. A large district would take in areas where there are few, if any francophones. The Board was told by Mr. Tchorzewski the Minister of Youth and also by representatives of the "Association Culturelle des Canadiens-français de Saskatchewan" that it would be unwise to recommend such a district. In April when members first visited Saskatchewan and met Mme Gaudet et M. Gaudet in Saskatoon, they were of the opinion that Zenon Park-Arborfield would be a viable district on its own, whereas St. Front and St. Brieux would not.

As we sped along, Judge Monnin pointed out the occasional francophone hamlet and we left the main highway to pass through Prud'homme and Vonda. We reached Arborfield a little late for the meeting arranged by Mr. Sawchyn, the Municipal Clerk. Arborfield is not a thriving community, judging from outward appearance.

We entered the municipal offices to find only a blasé Mr. Sawchyn, who told us that no one was there to meet us because no one was interested. I was non-plussed by this state of affairs, my colleagues while just as irritated showed less annoyance. Mr. Sawchyn obviously enjoyed hugely the fact that four busy people had come such a long way for nothing! I was chiefly disturbed by the fact that no one cared even to express opposition to the work of the Board. It became clear later on that Mr. Sawchyn liked to show his



power by such rude gestures and in the words of Mayor Wassill of Zenon Park, he was not typical of the people he supposedly serves. Said Mayor Wassill, he may not have invited anyone at all to meet us! In any case, I was depressed by the turn of events.

At 8:00 p.m. our delegation met 32 francophones at the Cultural Centre of Zenon Park. The figures for this area show a total of 695 FMT in the combined census subdivisions of Arborfield and Connaught, part of the town of Zenon Park being in the latter area. The percentage is 21.9. This community itself is 72.5% FMT. The mayor told us that people coming in to Zenon Park who do not know French usually learn it. The main stimulus for language and culture comes from l'ACFCS, representatives of the Secretary of State department seldom visit. Emphasis on poor TV reception and no French TV. The school goes to Grade XII but I do not have a note on the amount of French in the program. These people did not give an impression of much vitality, rather were they passive, but they were interested in what a Bilingual District might do for them, as evidenced by the fact that they came to meet us. The quality of the language was uneven. Mme Raymond remarked that the young people present had some difficulty in expressing themselves. Nonetheless they were present. Zenon Park has elements of the Port au Port situation - the people really are isolated and do not appear to mix with people from the St. Front, St. Brieux or Prince Albert, rather they go to Saskatoon. There is no federal service centre in the proposed Bilingual District, the nearest would be Tisdale, 20 miles away, where a few services exist. There is some industry connected to farming, e.g. grass drying or in the local term "alfalfa de-hy" and thus some employment for the rising generation.

My assessment is that the Board should recommend Zenon Park Arborfield as a Bilingual District thus giving it a chance to reap whatever benefits it may from the "booster" aspect we speak of.

CONSEIL CONSULTATIF DES DISTRICTS BILINGUES

Compte rendu de la rencontre des représentants
du Conseil avec les représentants du gouvernement
provincial de l'Ontario à Queen's Park, Toronto, Ontario

le 17 septembre 1973

Cette préface a pour but de compléter, quant à la date et aux personnes rencontrées, les sentiments exprimés par les membres du Conseil qui se trouvent en annexe.

Délégation du Conseil:

Paul Fox, président
H. Hickman, Comm.
L. Lamontagne, Comm.
N. Morrison, Sec.

Yvonne Raymond, Comm.
J. Carrothers, Comm.
A. Regimbal, Comm.
R. Morency, Sec. associé
D. Cartwright, Recherche

La délégation se rendait à l'hôtel Park Plaza à Toronto à 12h15 pour un déjeuner offert par le Dr D.T. Wright, Secrétaire provincial adjoint pour le Développement social.

A la suite de ce déjeuner, des consultations eurent lieu dans une salle de l'Edifice Législatif de Queen's Park.

Etaient présents pour le gouvernement provincial de l'Ontario:

l'hon. René Brunelle,	Ministre des Affaires communautaires et sociales
l'hon. Robert Welsh,	Ministre du Développement social
Dr D.T. Wright,	Secrétaire provincial adjoint pour le Développement social
Gén. W.A.B. Anderson,	Coordinateur du bilinguisme
Armand Charlebois,	Secrétaire exécutif, Coordination du bilinguisme
M. E.D. Greathed,	Directeur exécutif, Bureau des affaires inter-gouvernementales



M. Mark H. Larratt-Smith, Secrétaire, Comité du Cabinet
sur le Développement social

M. Gary Posen, Directeur, Affaires inter-
provinciales

Ottawa
le 18 septembre 1973

Roland Morency
Secrétaire général associé

BILINGUAL DISTRICTS ADVISORY BOARD

Report on the Meeting with the Ontario Government

September 17, 1973

by PAUL FOX

The following members of the Board met with representatives of the Ontario Government on September 17, at 3.00 p.m. in room 336 in the Legislative Building at Queen's Park:

Mrs. Carrothers,
Prof. Hickman,
Dr. Lamontagne,
Mme Raymond,
Father Regimbal, and the
Chairman,

Accompanied by: Messrs Morrison, Morency and Cartwright.

The representatives of the Ontario Government will be noted in the attached page by Colonel Morency. They included two ministers, the Honorable Robert Welsh, and the Honorable René Brunelle, accompanied by General William Anderson, the Chairman of the Civil Service Commission of Ontario and the Government's Co-ordinator on Bilingualism and Dr. Douglas Wright, the Deputy Minister to Mr. Welsh, Mr. Edward Greathed, the Director of the Federal-Provincial Secretariat in the Ontario Government, M. Armand Charlebois and Mr. Mark H. Larratt-Smith and was also present Mr. Gary Posen.

Mr. Welsh presided at the meeting and invited the Chairman of the Board to present the views of the Board. The Chairman outlined the mandate of the Bilingual Districts Advisory Board and explained the nature of our work. He then mentioned some of the problems that the Board was encountering in attempting to delineate the boundaries of possible bilingual districts in Ontario. He then invited Dr. Cartwright to outline on the map the possible boundaries of districts in Ontario. Dr. Cartwright went through on the map the list of the potential districts in Ontario, noting that the Board was considering the creation of districts in

the areas of Windsor-Kent, Welland-Port Colborne, Midland-Penetang, the Eastern counties of Ontario up to the National Capital Region, the North-eastern section of Ontario containing the counties of Timiskaming, Nipissing, Cochrane and Algoma, and the problem of the communities which have a 10% or greater minority concentration west of Algoma toward the boundary with Manitoba.

Mr. Welsh, who was well briefed on the problems of the Board, raised some of the difficulties that were in the minds of the Ontario Government. He noted the large concentrations of FMT persons in cities such as Toronto and wondered how the Board was going to insure that services be provided in French in such areas. He noted also that the most recent report of the Official Languages Commissioner had raised some doubts about the utility of bilingual districts as an instrument for providing bilingual services. He said that the Ontario Government had not changed the view that it had taken in 1970, at the time of the meeting with the first Bilingual Districts Board, when the Ontario representatives pointed out, that Ontario believed that it was wiser to attempt to meet the demand for bilingual services where it arose by pragmatic and practical decisions, rather than by creating bilingual districts. He intimated that he believed personally that the experience that we had all had with the possibilities of bilingual districts providing services, had only confirmed the views of the Ontario Government. He felt that the Ontario Government had responded to the needs of the minority official language group in Ontario, in a practical way by following the boundaries proposed for the districts by the first Board and by attempting to supply services in those districts. I thought myself that this was an interesting illustration of the way in which a Board's recommendations can have some effect and even be implemented to some degree without the official report ever being acted upon by the government that had commissioned it originally.

In response to a precise question from the Chairman on the point, Mr. Welsh said that the Ontario Government did not wish to change its mind at the present moment and to accept the invitation provided in the Official Languages Act, to act in concert with the Federal Government in declaring bilingual districts, which were demarcated zones. At the same time, he noted that the Ontario Government was very interested in attempting to provide services in the minority language and that it had done a great deal to move in this direction since the first Board had met with it. We told the Minister that we had discovered in our travels that there had been a considerable improvement in the provision of provincial

services in many areas in the French language.

In response to another question, the Minister asked General Anderson to indicate how the Ontario Government had met demands for bilingual services. Mr. Anderson noted that the demands had been answered on a practical basis, that is, where there had been demands made through, for instance, elected representatives, then services had been provided. He noted also that the government had established a priority within Ontario for rendering bilingual services. At the top of the list was the National Capital Region.

The Chairman pointed out that the scattered and isolated French speaking communities west of Algoma, such as Longlac and Manitouwadge, were in need of great help to preserve their French culture and he invited the Ontario representatives to suggest how the needs of this group might be serviced. Mr. Welsh expressed concern for the preservation of the French culture in these areas and said that in his opinion, the chief need was for educational services and for the means of communication in the French language, that is via radio and television. He also thought that the distribution of French language newspaper in the area was important. The Chairman and at least one other member of the Board agreed with this order of priority of importance of the means for preserving the minority culture. Mr. Welsh implied that if the minority would make its demands known, the Ontario Government would seek to give assistance to the best of its ability without proclaiming bilingual districts.

Father Regimbal asked what the reaction of the Ontario Government would be, if the Board were to recommend the creation of a bilingual district in Northern Ontario which extended not only to Algoma from the Eastern boundary of Ontario, but continued on to the boundary between Ontario and Manitoba, thereby including the whole of Northern Ontario in one bilingual district. I did not make notes on this meeting with the Ontario Government and I cannot remember at this point exactly what the response of Mr. Welsh was, but subject to correction by other members of the Board who were present, my impression was that Mr. Welsh did not seem to think that the government would be too upset if a bilingual district were created for the whole of Northern Ontario. I think it was at this point that he expressed the view that if such small community as Longlac and Manitouwadge and Marathon were to survive, they needed to have strong cultural lives within themselves and such lives depended upon a desire to continue their existence in their own culture and the provision of educational facilities

and the communications media in their own language.

The meeting with the Ontario Government representatives concluded at 4.00 p.m. on a note of considerable harmony and good will.



BILINGUAL DISTRICTS ADVISORY BOARD

Notes on a meeting of the Alberta Government
representatives and Mrs. Carrothers at Edmonton, Alta.

October 9, 1973

A meeting was held in Edmonton, Alta., on October 9, 1973 with representatives of the Alberta Provincial Government and attended solely by Mrs. A.W.R. Carrothers. The following persons were present for the Provincial Government:

Mr. L.D. Mabbott,	Executive Director, Dept. of Federal and Inter-governmental Affairs (equivalent to Deputy Minister)
Mr. L. Usher,	Deputy Minister of Culture, Youth and Recreation
M. Philippe Lamoureux,	Associate Director of Curriculum (Languages), Department of Education
Mr. Ken Kyle,	Director, Social and Cultural Affairs Branch, Department of Federal and Inter-governmental Affairs
Mr. Orissia Lennie,	Inter-governmental Affairs Officer

The meeting took place in Mr. Mabbott's office in the Blue Cross Building, Edmonton, Alberta at 10:00 a.m.

The notes prepared by Mrs. Carrothers are attached as Annex A.

Ottawa
October 29, 1973

Roland Morency
Associate Secretary General

ANNEX "A"

CONFIDENTIAL

BILINGUAL DISTRICTS ADVISORY BOARD

MEETING IN EDMONTON -

OCTOBER 9, 1973

JANE CARROTHERS

Meeting with Mr. Mabbott, deputy Minister for Inter Governmental Affairs and Mr. Usher, deputy Minister for Youth, Culture and Recreation, Mr. Philippe Lamoureux of the Department of Education for the deputy Minister Dr. Hawsworth, Mrs. Orissa Lennie and Mr. K. Kyle.

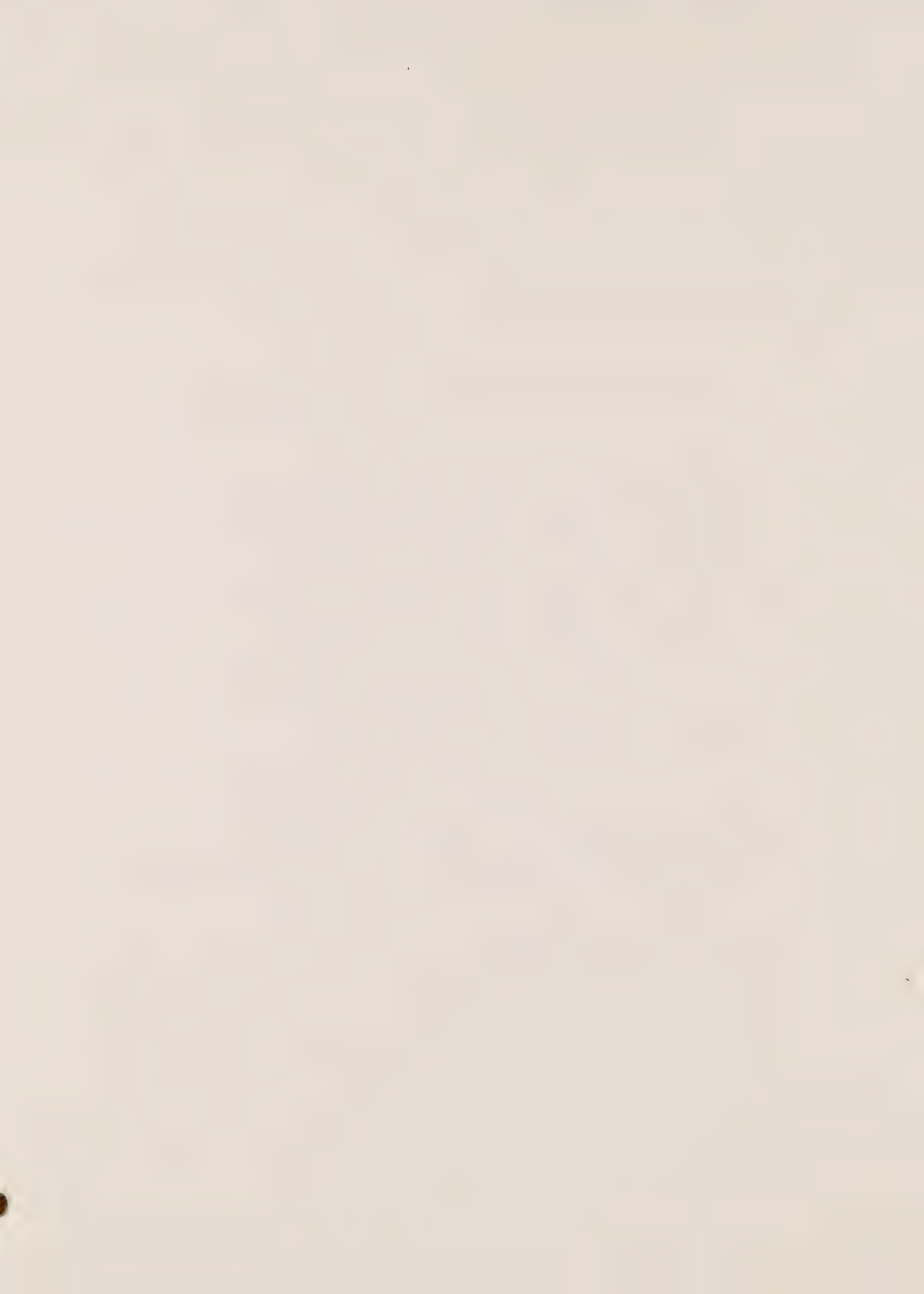
Jane Carrothers explained the work of the Board - deputies were not briefed. Usher, deputy to Schmid felt that districts should be created in order to guarantee services. Lamoureux felt (and kept returning to his point) that many people would prefer services under 9 (2). He was referring to francophone groups. Mabbott said very little, asked whether the views of the provincial government would be taken into account when we made our recommendations. I replied that as far as I knew the viewpoints of the provinces would form part of our report - that I personally would be influenced to some extent by the province's attitude though I could not speak for my colleagues (otherwise one is telling the deputies that really there is no point in preparing a statement or taking a position, as it won't play any part in our considerations - and that would not be very clever on the part of the Board).

I was impressed by the sincerity and firmness of Lamoureux's position - he is supervisor for French language instruction and travels all over Alberta and has discussed Bilingual Districts at some length with other francophones. It was however refreshing to find in Usher a much more positive attitude than that of say Mr. Schmid his minister - but I do not know if it will prevail. Mr. Usher is the only government representative with whom I have come in contact who appears to favour the creation of districts.

Mr. Usher asked whether we had done any polling of people in potential Bilingual Districts.

Mr. Mabbott requested Mr. Kyle to organize an exchange of views between the departments concerned and offered to have a draft statement for us by the time of our November meeting.

Jane Carruthers





MEMORANDUM

NOTE DE SERVICE

TO
A
Members
Bilingual Districts Advisory Board

FROM
DE
Chairman

SUBJECT
OBJET

Draft of General Introduction to Final Report,
(Item IX of Agenda, Meeting, September 14-15, 1973)

SECURITY CLASSIFICATION DE SECURITE

OUR FILE - N/REFERENCE

YOUR FILE - V/REFERENCE

DATE

September 7, 1973

Item IX of our Agenda for discussion at our meetings on September 14-15 is entitled "Review of the first draft of the Board's Report". I had hoped that we might be able to discuss at this meeting an entire draft of our final report. However, I think that this is unlikely for two reasons: first, our Agenda for this meeting is so full that we certainly would not have time to discuss a final report in detail, and second, the most significant part of the General Introduction will be undoubtedly the section in which we set out the underlying principles on which we have based our conclusions re recommending bilingual districts. As you are well aware, we have not yet arrived at a consensus in the Board on those fundamental principles. Hence, it has been impossible to draft this section of the report.

Therefore, I suggest the following: at this meeting under Item IX we should discuss and try to reach agreement on the basic principles that we wish to state in the final report as our fundamental, guiding hypotheses.

If we can do this on September 15, I shall then include them in a draft of the General Introduction to the final report which you would be able to discuss in detail clause by clause, at our meeting in Val-David in October. I will try to have the draft completed and mailed to you before the October meeting so that you will have the opportunity to think about it carefully and be prepared to discuss it definitively at Val-David.

To facilitate our discussion of Item IX on September 15, I have set down the following points which we might consider if you wish:

- (1) You will recall that you received from me at the June meeting a Schema for the General Introduction and Report and that although there was some disagreement about Section 5 outlining the possible criteria for our decisions, there was general agreement on the Schema for the General Introduction. I therefore do not think that it is necessary now to reconsider the whole Schema.

We might concentrate instead now on the following questions:

- (2) What is our fundamental hypothesis?

Possibilities:

- (a) We might say that we had tried to apply the same criteria everywhere - e.g. wherever there is a minority linguistic concentration of at least 10 per cent, we might recommend a bilingual district.

This has the obvious merits of simplicity and equality. But the disadvantages are so apparent to all of us that I need scarcely review them. The chief practical disadvantage is that we would have so many small districts that the effort would appear ridiculous.

If we attempt to reduce the number of districts by establishing a minimum absolute mother tongue figure, (e.g. 750-1,000 FMT or EMT), we will be faced then with the possibility of still having a rather large number of bilingual districts, especially if we apply the rule equally and consistently throughout the country, since we would still have to include a number of districts in Quebec as well as in Western Canada and Eastern Canada.

- (b) We might say that we have chosen to recommend only some larger bilingual districts and have resorted elsewhere to Sec. 9 (2) to provide bilingual services where demand is "significant".

But I think that this arrangement would not satisfy some of our members who hope that bilingual districts will prove to be nuclei for cultural growth of the minority group and Sec. 9 (2) certainly does not provide the legal guarantee for services to the minority that a district would offer.

- (c) I would like to suggest the following line of argument. The Bilingual Districts Advisory Board was created to assist in achieving the objective of having the Federal Government provide its services in the two official languages in areas where there is a concentration of the majority group and at least 10 per cent of the minority linguistic group. Our investigations in the field have revealed to us that where the Anglophones are the minority group, they have not usually had difficulties in receiving federal services in their own language. We did not encounter one single case in which members of the English-speaking minority complained that they had not received reasonably adequate services in English from federal offices, although in some instances, it is true, the services might have been improved. On the other hand we did discover many instances in which the French-speaking minorities had not received habitually their federal services in French. No doubt this disparity arises in part from traditional patterns of service in which Anglophone minority, being located in only one province, Quebec, received its federal services customarily in English while the French minority, being dispersed through the nine other provinces, did not receive the same degree of federal services, historically speaking, in French.

To rectify this imbalance and to fulfil the intent of the Official Languages Act, which is to ensure that federal services be provided at its principal offices in both French and English wherever there is at least 10 per cent of the minority group, the Board has believed it is sound to recommend the creation of districts in some instances to provide services in French where they have not always been available in the past, while it has not felt that the creation of districts in some other instances was necessary to achieve services in English, since these have been available traditionally in the past and no doubt will continue to be available in the future. (The fact that the French minority is dispersed through nine provinces, while the English minority is situated in only one province also explains, of course, why there is a greater number of districts containing French minorities than English minorities.)

The Board derives its authority from the Official Languages Act. The Board is one of the instruments created by the Act to achieve the equality of English and French as the two official languages of Canada. Board members, therefore, have been concerned to meet their responsibility to make recommendations that would permit each linguistic group, when in a minority of at least 10 per cent, to receive federal services in its own language. In the case of the Francophone minority groups which have not had these services regularly in the past the goal can be achieved best usually by creating bilingual districts. In the case of the Anglophone minority groups which have had these services customarily in the past and which no doubt will continue to have them, there does not seem to be the same need to create districts.

In each case, the objective is the same, namely, to see that the official language minority, whether it is French or English, has the opportunity to receive federal services in its own language.

This is our fundamental hypothesis: each of the two official language groups, when it constitutes a minority of at least 10 per cent, has a right to receive its federal services at "principal offices" in its own language. The end is the same whether the minority group is English or French. The means - whether or not it is necessary to have a bilingual district - may vary depending upon the historical and actual situation.

- (3) What do you wish to decide about the following questions which we have raised from time to time?
- (a) The definitions of "principal offices" and "significant demand".
 - (b) The extent to which we discuss in the report Father Regimbal's concept of bilingual districts as centres or foci for the cultural growth of the minority community.
 - (c) The problem of providing federal services in the minority language in large urban centres which do not have 10 per cent of the minority group, especially in the provincial capital cities.

- (d) This raises the question of how you wish to deal with Section 9 (2).
 - (e) In our previous discussion of Don Cartwright's plan for bilingual district, territories, and communities, we postponed a decision until after we had had a discussion with Mr. Brad Smith. There were various suggestions made: e.g. that we include Don's idea as a recommendation to be considered by a future Board, that we relate it to our discussion of Sec. 9 (2), that we relate it to our discussion of capital cities, etc.. What is your decision?
 - (f) The proposal that we recommend/suggest/propose that French should be the functioning language of the Federal Civil Service in Quebec, as English is elsewhere.
- (4) What do you wish to do about including in our report recommendations to the Federal Government for amendments to the Official Languages Act?

The following suggestions have been made at one time or another as possible recommended amendments to the Act:

- (a) Changing the title of "Bilingual Districts".
 - (b) Clarification of certain phrases in the Act, e.g. "principal offices", "significant demand", etc.
 - (c) Clarification of discrepancies in the Act between the French and English versions, e.g. "demande importante" and "significant demand" in Sec. 9 (2).
 - (d) Adoption of a minimum aggregate of persons of minority mother tongue for a bilingual district.
 - (e) Reduction/increase in minimum percentage (10%) required.
- (5) What do you wish to do about making recommendations in the report to other bodies?
- (a) To CBC, CRTC re radio and TV services.
 - (b) To governmental agencies re improving linguistic services. (We may have suggestions as a result of the inventory of bilingual services provided by governmental agencies and departments which Col. Morency conducted and the results of which are now available.)

- (c) To governmental departments - e.g. to Department of Secretary of State re provision of additional funds for linguistic education, to provincial and municipal governments to provide increased bilingual services in their sectors.
- (d) To somebody or to something - to provide greater information about the Official Languages Act, etc., to dispel existing confusion and ignorance in the public's mind.
- (e) To governor-in-council to create a continuing body to carry on research between the appointments of Boards, to study the effects of the creation of bilingual districts, to negotiate, if necessary, with provincial governments.

Paul Fox,
Chairman

June 22, 1973

TO: ALL MEMBERS

FROM: THE CHAIRMAN

SUBJECT: Proposed Schema for General
Introduction and Report

1. Brief review of events leading to appointment of this Board
 - enactment by Parliament of Official Languages Act
 - appointment of First Board
 - publication and tabling of Final Report
 - not acted upon - reasons
 - appointment of Second Board
2. Personnel of Second Board
 - names and places of residence of Board members
 - staff in Board's office
3. Purposes and functions of Board
 - explanation of duties of Board
 - references to and quotations from relevant sections of Official Languages Act
4. Working procedures adopted by Board
 - decision re hearings
 - research by staff and preparation of statistical data and maps - inventory of bilingual facilities in federal departments and agencies
 - field visits and consultations with groups and individuals in situ
 - consultations with provincial governments
 - consultations with other interested public officials, e.g. municipal and educational officials, MP's, MLA's
 - plenary meetings of Board in Ottawa - frequency - duration
 - reports and position papers prepared and circulated by Board members and staff

- study of data province by province - tentative conclusions
 - review of all findings - synthesis - final decisions
5. Criteria selected by Board to guide its work
- possible criteria - difficulties involved in a diverse country - consideration of districts as cultural entities
 - need to consider equity, justice, common sense, practicality
 - criteria selected (see note attached entitled "Possible Approach to Our Recommendations")
 - other relevant considerations - e.g. re Sec. 9 (2), multiculturalism, etc.
6. Recommendations
- brief reference to Recommendations of specific Bilingual Districts which will follow later in detail with individual maps, province by province.
7. Other comments and suggestions re:
- need to dispel confusion and ignorance in public's mind about purpose and nature of bilingual districts and bilingualism in general
 - provision of services in provincial capitals and large cities which are administrative centres - increased use of 9 (2)
 - possible amendments to certain sections of Official Languages Act, e.g. re "principal offices", "sufficient demand", change of title of "bilingual districts", etc.
 - suggestions to other bodies, e.g. to CRTC, CBC, (re radio and television facilities), to Department of Secretary of State re provision of additional funds for linguistic education, to provincial and municipal governments to provide increased bilingual services (e.g. in education, etc.).

8. Recommendation of specific bilingual districts
 province by province, with detailed descriptions,
 map of province and individual maps
 - prefaced by Introduction to each province/region
 - Query: Do you also wish to include districts for
 review by next Board (as First Report did)?
9. Signatures of Board members
10. Appendices
 - list of places visited and dates of visits
 - Query: Do you wish to include selected passages
 from Official Languages Act (as first Report did)?
 - other information -
 Query: What about all the material we have
 generated?

June 22, 1973

TO: ALL MEMBERS

FROM: THE CHAIRMAN

SUBJECT: For General Introduction
Possible Approach to our Recommendations in
Final Report

I would like to propose that we adopt in the General Introduction to our Report the following approach as the principle on which the Board has based its recommendations in the Final Report:

The Official Languages Act established English and French as the official languages of Canada. This implies that French and English are equal in status. However, they are not equal in fact. English is superior numerically in Canada and on the North American continent. The extent of that superiority is so great that it is not an exaggeration to say that the continued existence of French is threatened, not only in English-speaking Canada but in Quebec as well. The Board has concluded, therefore, that one of its guiding principles should be the protection of the minority language, in order to substantiate the meaning of the Official Languages Act.

The adoption of this principle has led the Board to make decisions in regard to the creation of bilingual districts that may not appear to follow the same criteria in all instances. However, all of these decisions can be justified if they are traced back to the fundamental principle, namely, that the weaker language, which is French, requires greater support than the stronger language.

Advantages of this approach

1. It is simple and direct - and irrefutable.

The existence of French is threatened, in Quebec and in English-speaking Canada. If we wish, we can use the recently published figures from Statistics Canada on Languages Most Often Spoken at home to prove our assertion. (This idea appeals to me since it permits us to use to the advantage of our argument figures that might be used otherwise against our recommendations or ~~that~~ we might be accused of ignoring if we did not include them).

2. It justifies the approach we have been moving towards, i.e. attempting to support French minority groups in English Canada while also giving support to French in Quebec.
3. It gets us out of the box of having to apply the same criteria in all parts of the country, e.g. the same numerical minimum of persons for a bilingual district, or treating New Brunswick and Quebec the same way.
4. It likely would enable us to secure a broader measure of support for the creation of bilingual districts in Quebec, since it would justify our recommending that the functioning of the federal civil service in Quebec should be carried on predominantly in French, a recommendation that may be necessary if we are to have a number of Québécois accept bilingual districts providing services in English.
5. It would not prevent us from making any other recommendations we decide to make re Sect. 9 (2), etc.



6. It would avoid reviving any arguments about the two official languages. We would simply begin from the point of the passage of the Official Languages Act in 1969. We would not return to the earlier stage of the linguistic argument which the B & B Commission settled for us. We would take all this as given and proceed from the realistic fact that Canada has two official languages and one is in a much weaker position than the other.

Disadvantages - None

O N T A R I O

It seems that the Official Languages Act of 1969 did not break any new ground in Ontario where bilingualism has been recognized by legislative documents since the establishment of the province.

The Constitutional Act of 1791 which detached Ontario from Quebec, far from isolating the French element of the new province, reinforced its position. The Government of Upper Canada, assembled in Newark, issued as one of its first decrees, a measure aimed at the protection of the French-speaking citizens: "Such Acts as have already passed or may hereafter pass the Legislature of this Province shall be translated into the French language for the benefit of the inhabitants of the Western district of the province and other French settlers who may come to reside within the province." ¹

In 1841, the Union Government at its first session in Kingston went even further and declared both French and English official languages.

In the schools, the teaching of the French language has always been officially accepted since the province came into existence. One of the clearest evidence in this respect is a letter addressed by the Ontario Minister of Education to the school trustees of Charlottenburg in Glengarry County: "I have the honour to state... that as the French is the recognized language of the country as well as the English, it is quite proper ~~and~~ and lawful for the trustees to allow both languages to be taught in their schools to children whose parents may desire them to learn both..." ²

Parents who could afford it even sent their children to schools in Lower Canada "where they acquired the French language and manners" ³ Students exchanges between Ontario and Quebec are still quite popular, in particular for summer courses.

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1. Journals of the Legislative Assembly of Upper Canada, 1792-1804 (Toronto 1911) p. 23.
 2. Egerton Ryerson, April 24, 1857, cited by C.B. Sissons, Bilingual Schools in Canada (Toronto 1917) p. 27.
 3. "Col John Clark Memoirs" in Ontario Historical Society, Papers and Records, vol. VII (Toronto 1906) p. 185



The report of the Merchant-Scott-Côté Commission of 1927 recognized the rights of the first settlers and missionaries, and recommended the acceptance of certain linguistic and cultural differences.

Even the Catholic Church at the time of Regulation XVII encouraged all the ecclesiastics to be bilingual: "We urge all priests engaged in the sacred ministry to become more thoroughly conversant in the knowledge and use of the two languages and, discarding all motives of rivalry, to adopt one or the other according to the requirements of the faithful..."⁴

It is thus only reasonable that our present days Government wished to respect rights which have been asserted by provincial authorities and to ensure that its own services be given in both official languages where it is warranted.

4. Benedict XI, to the bishops of Canada, Sept. 8, 1916.

BRITISH COLUMBIA

It seems ironical that British Columbia, the only Canadian province showing an increase (albeit only 1%) in the French mother tongue population, is the only Province in which the Board is unable to recommend a bilingual district. In 1971, the first Board identified the Municipality of Coquitlam, which encompasses Maillardville, as having a French-speaking population of 3,229 which was 11.1% of the total. The recent census indicates an increase (i.e. 3,335 Francophones) but, because of the rapid growth of population in this area, such is now but 6.3% of the total.

Likewise, consideration of the growing centres of Dawson Creek, Port Alberni, Prince George and Terrace showed that no area approached the required 10%.

As emphasized elsewhere in this Report, there are large numbers of Francophones "drowned" in the country's capital cities and other large urban centres. Vancouver illustrates this problem. In greater Vancouver there are 17,360 Francophones, -- almost one half of the total number in British Columbia (38,035).

The Board recommends that the Federal Government guarantee bilingual services in its principal offices in Vancouver, not only because of the 17,360 French-Canadians who speak French there but also to assure a feeling of Canadian unity and fairness. It would be unfortunate if B.C. were different! Citizens should feel at home in any of the ten provinces.

BILINGUAL DISTRICTS ADVISORY BOARD

Introduction to Alberta and Saskatchewan

by

Jane Carrothers

This is the draft introduction for the Report on Alberta and Saskatchewan.

Equal status for French and English was extended to the legislature and courts of the Northwest Territories, later to become Alberta and Saskatchewan, through section 133 of the British North America Act in 1877. Provision for separate schools was made by the Northwest Territories Act in 1875. When the French-speaking population became outnumbered by Anglophones from Ontario and the United Kingdom and by other settlers from many parts of Europe, the Federal legislation on language and education became a matter for dispute in the Territories as it was in Manitoba. French-speaking reinforcements came in very small numbers to the Prairies, despite strenuous efforts to recruit them from French Catholic clergy in the West. During the years following the formation of two separate provinces in 1905, political attitudes swung away from the concept of equality for the two languages. The right to use French in the provincial legislatures was lost by 1891. In Alberta, the school system was more liberal towards the teaching of French, and in French, than was the case in either Saskatchewan or Manitoba, where for many years French was not a recognized language of instruction. In spite of almost complete negation of the original basis for political institutions in the Territories, the French fact was maintained in Alberta and Saskatchewan through the efforts of the French Catholic clergy and provincial Francophone associations both cultural and educational. With the advent of television and the withdrawal of the French Catholic clergy from many French language educational institutions across the Prairies, the rate of assimilation of the Francophones has increased. To combat this trend there is a new teacher training facility in Manitoba and an upgrading in the French teacher training programme at Collège St. Jean in Edmonton. Many of the original communities are still viable and wish to preserve their language and culture, although not all to the same degree. The emphasis on multiculturalism found on the Prairies at this time places the Francophone minority in the same position as minorities of other ethnic groups resident in these provinces. The concept of two founding peoples in Canada is not readily accepted in Alberta and Saskatchewan. It is necessary to recognize a third Canadian reality for the West, that of multiculturalism, and to find a means for this reality to coexist with the national concept of Canada as a bilingual state.

Document de travail
pour la rencontre - réflexion
du Conseil à la Sapinière (Val David)
les 12, 13 et 14 octobre 1973

Plus d'un an de recherches amène le Conseil à l'échéance qui s'avère de plus en plus complexe et délicate, d'avoir à soumettre son rapport au gouverneur en conseil.

Nous aurions avantage pour ce faire de revenir sur les propos de M. Smith afin de situer notre tâche dans une perspective aussi objective que possible.

Entre autres observations, M. Smith insista sur la nécessité pour le Conseil d'abord et avant tout de remplir son mandat immédiat tel que formulé à l'article 15 (1) de la Loi sur les langues officielles. En termes d'échéance le texte dit que le Conseil "dressera et soumettra au gouverneur en conseil un rapport énonçant ses constatations et conclusions et notamment, le cas échéant, ses recommandations relatives à la création de districts bilingues.."

Une idée sur laquelle M. Smith revient sans cesse tout au long de ses commentaires, fut le caractère relatif que revêt nécessairement chacun des gestes que posera le Conseil dans l'exercice de son mandat.

Ce caractère relatif de notre tâche, dans l'esprit de notre conseiller juridique, me paraît très positif.

Il l'a décrit comme une prise de conscience des relations multiples et complexes qui entrent en ligne de compte dans la mise en pratique de nos responsabilités comme Conseil. En somme, la crédibilité pratique de notre rapport sera en raison directe du soin que nous aurons pris de ces relations multiples et complexes en formulant le résultat de nos recherches.

Dans une telle optique, il me semble n'y avoir aucune difficulté pour le Conseil de s'entendre sur les constatations et les conclusions qui découlent de notre enquête. Par contre, il y a problème lorsqu'il s'agit de s'entendre sur les recommandations à faire dans notre rapport.

A ce sujet il y a peut-être lieu de réfléchir sur le texte même de l'article 15 (1) qui demande au Conseil de formuler "ses recommandations relatives à la création de districts bilingues". Apartir de ce texte, le Conseil, au lieu de recommander que telle ou telle région soit un district bilingue pourrait s'en tenir au texte même du mandat et formuler des recommandations relatives à la création de districts bilingues. Une telle distinction ne me semble pas inutilement subtile, Elle nous permettrait de concentrer nos efforts sur l'identification des bureaux principaux desservant les concentrations de 10% dans une région donnée ou assez considérable pour constituer une uen "demande importante" auprès des bureaux en cause.

C'est aux divers ministères et responsables identifiés aux articles 9.1 et 9.2 "qu'il incombe de veiller à ce que dans chacun de leurs bureaux principaux ouverts dans un district bilingue créé en vertu de la présente loi, le public puisse communiquer avec eux et obtenir leurs services dans les deux langues officielles".

Ainsi le Conseil aurait à identifier les principaux bureaux desservant les régions dont au moins 10% des résidents parlent une langue maternelle qui est la langue officielle de la minorité linguistique.

Encore faudrait-il se rappeler qu'en vertu de l'article 13.2, toute région ou subdivision ainsi identifiée "peut constituer un district bilingue", mais ne constitue pas nécessairement un district bilingue. Le Conseil aura à décider s'il croit opportun ou non de recommander que cette région devienne un district bilingue.

Pour ce qui est de la composition même du rapport, la rédaction donnerait beaucoup plus d'importance aux constatations et aux conclusions en faisant ressortir l'aspect "service" des bureaux principaux, qu'aux recommandations de tel ou tel territoire comme "district bilingue". La feuille ci-jointe est une ébauche de cette composition.

A. Regimbal, s.j.

COMPOSITION DU RAPPORT

Introduction: Termes d'après lesquels le rapport a été conçu.

A - Constatations au cours des recherches

1. concentrations de 10%
2. concentrations considérées comme "demande importante".
3. observations positives et négatives recueillies au cours de l'enquête et susceptibles de nuancer les recommandations du Conseil.

B - Conclusions à la suite des recherches

1. le nombre des districts bilingues est moins important que le fait de les établir là où les services bilingues sont requis;
2. l'accent est à mettre sur les services que les bureaux concernés doivent rendre plutôt que sur les concentrations identifiées dans les territoires désignés

C - Recommandations:

Attendu les constatations (A) et les conclusions (B)
le Conseil recommande

1. que les bureaux desservant les territoires x y z soient bilingues.
2. que les bureaux desservant les concentrations importantes a b c assurent les services bilingues à cette population.

DEUXIEME CONSEIL CONSULTATIF DES DISTRICTS BILINGUES (1972)

Procès Verbal de la 13^e Réunion

les 12, 13 et 14 octobre 1973

Hôtel La Sapinière, Val David, Québec

La treizième séance plénière du Conseil Consultatif des Districts bilingues (1972) était convoquée par le Président vendredi, le 12 octobre 1973 à 9h 15 dans une salle de Conférences de l'Hôtel La Sapinière, Val David, Québec.

Participent à la réunion:

Paul Fox, président
Jane Carrother, commissaire
Eleanor Duckworth, commissaire
W. Harry Hickman, commissaire
Léopold Lamontagne, commissaire
William Mackey, commissaire
Yvonne Raymond, commissaire
Albert Regimbal, commissaire

Neil Morrison, secrétaire général
Roland Morency, secrétaire général associé

Assistent également à la réunion:

Donald Cartwright, conseiller en recherche
Madame Clairette Pilon, agent d'administration

I - Adoption de l'ordre du jour

Le président mentionne tout d'abord quelques points qui, à son avis, devraient être portés à l'ordre du jour:

(1) La note de service de Mme Raymond au président, en date du 18 septembre, traitant de l'échéance des propositions des membres du Québec à l'égard des districts à considérer dans cette province;

(2) La demande faite par Messieurs Pierre Coulombe et Pierre Lefebvre de la Direction des langues officielles du Conseil du Trésor, de faire une présentation aux membres du Conseil

consultatif concernant le développement d'un système d'organisation administrative des langues officielles au sein du gouvernement et d'avoir une discussion des problèmes d'un intérêt commun;

(3) Considération des documents de travail ou notes de service préparés par le Père Regimbal, Mlle Duckworth, et Mme Carrothers sur les items III ou IV portant sur les principes ou les critères;

(4) In her comments on the questionnaire sheet attached to the provisional agenda, Mrs. Carrothers had suggested that Item VI should be revised to read: "the possibilities of utilizing Section 9 (2) and the implication of Mr. Brad Smith's interpretation of the Act";

(5) Mrs. Carrothers also requested that consideration be given to Section 15 (3) of the Act which the Chairman suggested could be discussed under the items about "principle" or "criteria".

There was a lengthy discussion about time limits and procedure to be followed during the meeting. The Chairman pointed out that he had arranged the order of the agenda, including the proposed 3.00 p.m. Saturday deadline to conclude discussion of basic principles, in an attempt to satisfy the diverse or opposing wishes of different groups of members. He suggested that the Board did not need to consider the business items at the end of the agenda, except item XII about proposed meetings with M.P.'s. He also reiterated the understanding referred to in his covering memo about the agenda that: "We do NOT make any final decisions on any substantive issue at our meeting at Val David". It was agreed that the main discussion about Quebec would be left until 3.00 p.m., Saturday afternoon. Miss Duckworth suggested that when Messrs Monnin and Savoie arrived on Saturday, the group should start with a discussion of proposals concerning bilingual districts in Quebec and if other points about basic principles still remained to be discussed, members could come back to them later, possibly on Sunday. It was agreed that this procedure would be acceptable.

Mr. Morency reminded members that they had not yet made a provisional decision about the possible bilingual district to the north of Edmonton in the Legal-Morinville-St. Albert area and suggested that this should be added to the agenda. Mrs. Carrothers said that decisions still had to be made about the boundaries of all three possible Alberta districts. The Chairman suggested that the question of the

Alberta districts should be added to the agenda under item X along with the report on the visit to the Zenon Park area of Saskatchewan.

In recapitulating points of agreement about the revised order of the agenda, Miss Duckworth suggested that item VIII at three o'clock on Saturday afternoon, should be a report for the benefit of the two newly arrived members of the conclusions of the discussion of principles during the preceeding day, Friday and Saturday morning; item IX the question of provisional recommendations for bilingual districts in Quebec, X meetings with M.P.'s, XI report on Saskatchewan visit and discussion of Alberta districts.

M. Mackey, appuyé par M. Lamontagne, propose que l'ordre du jour soit adopté tel qu'amendé. Motion adoptée à l'unanimité.

II - Procès verbal de la douzième séance, les 14 et 15 septembre 1973.

In introducing the subject of the minutes of the last meeting, the Chairman said he felt the Board owed a debt of thanks to Roland Morency for the work he had done in listening to the complete tapes of the last meeting of the Board and in arranging to make a verbatim transcription of the discussion with Mr. Brad Smith of the Department of Justice. This has been a lengthy and difficult task and he wished to congratulate Mr. Morency for the excellent and judicious way in which he had summarized the discussions of the Board. Proposé par M. Regimbal, appuyé par M. Hickman, que le procès verbal de la douzième réunion soit accepté. Adopté.

Moved by Mrs. Carrothers, seconded by Mr. Mackey that Madame Raymond's memorandum of September 18th to the Chairman, be appended to the minutes of the twelfth meeting of the Board. Carried.

Visite proposée par Messieurs Coulombe et Lefebvre du Conseil du Trésor.

The Chairman explained that he had received a call in Toronto on Tuesday of this week from M. Pierre Lefebvre of the Treasury Board, requesting that Mr. Lefebvre and Dr. Pierre Coulombe be given the opportunity to meet with the Board at the present meeting to discuss urgent matters of mutual interest to both the Treasury Board and the Advisory Board concerning the provision of government services in bilingual areas and districts. Pierre Coulombe is Chief

of the Planning, Policy and Evaluation Division of the Official Languages Branch of the Treasury Board and Mr. Lefebvre works with him on the planning aspects of the government's language program within the Public Service. The Official Languages Branch, newly established in the Treasury Board this year, is under the direction of Mr. David Morley, a Deputy Secretary of the Board. This Branch is concerned with the problems of providing bilingual services in certain areas of Canada as well as supervising the implementation of other aspects of the Government's language program in the federal public service. Mr. Fox said that Messrs Lefebvre and Coulombe were extremely anxious to come and meet with the Board before members make any final decisions about recommendations for bilingual districts because Treasury Board officials are the people who will have to implement the recommendations if they are adopted by the government. They also want members of the Board to know what steps have already been taken to implement the guidelines concerning bilingual areas which were issued by the Government earlier in the year; what is being done about the designation of unilingual and bilingual positions in the Public Service; what regulations have been adopted to make sure Government policy is carried out by departments and agencies and the nature of the system, - including the use of the computer for information storage and retrieval concerning all public service positions, - which is being created to administer the Official Languages program. They pointed out that a great deal of progress had been made in the last year and they felt that it was important for Board members to know what these developments have been up to the present and are likely to be in the future. They would also like to get some feed-back from members of the Board in the form of questions, criticisms and suggestions. Mr. Fox said he had told Mr. Lefebvre that he thought such a discussion would be useful, but he was not sure if members would want to have it at the present meeting, since they had been promised that ample time would be available for general discussion, consequently he would have to put the request to the members of the Board for a decision. He had suggested that they might come to the November meeting, but the Treasury Board officials felt that would be too late for their purposes and that the thinking of members would have gone beyond the point, where their proposals would be of much value. Messrs Morrison, Morency and Lamontagne who had also discussed this suggestion with the Treasury Board people, supplemented the Chairman's remarks about the purpose of the meeting. The proposed form would be a one hour presentation, including graphics and documentary material outlining the steps leading to the current stage of development of the Government Official

Language Program and the system of administration for its implementation, followed by an hour or more of questions and discussion. In a reply to a query from Father Regimbal, the Chairman said that the idea came from Mr. David Morley, the Deputy Secretary in charge of the Branch, who had been urging the importance and value of a discussion with members of the Advisory Board for some time.

There was considerable discussion about the merits of the proposed visit by the Treasury Board officials and about when such a meeting should take place if it seemed desirable. Some members felt the information would be highly relevant to the Board's concerns, others felt it would likely be irrelevant and that there was no time available to spend on this subject or that it should be postponed to the next meeting. The question was also raised whether such presentation should be held after the arrival of Messrs Monnin and Savoie on Saturday afternoon or Sunday morning so that all members of the Board would have the benefit of the outline of the Treasury Board program. Some members stressed the importance of knowing how the Government intended to apply or implement Section 9 (2) of the Act and because this was pertinent to the general discussion of "principles" and "criteria" for the establishment of bilingual districts, the Treasury Board officials should be asked to come to the meeting as soon as possible. It was also pointed out that members of the Board needed information about what the provision of bilingual services will actually mean in practice. Mr. Lamontagne pointed out that the Board had heard discussion of the legal problems involved on two different occasions from an official of the Department of Justice which had proved to be profitable but they had not yet had information or discussion about the administrative aspects from officials of the Treasury Board. He felt that this would be worth doing and that it should be done as early in the discussion as possible before coming to grips with specific problems.

Moved by Miss Duckworth, seconded by Mr. Mackey, that the Treasury Board officials, Messrs Coulombe and Lefebvre, be invited to come to the meeting of the Board at four o'clock this afternoon. Carried, with one member opposed.

Voting procedure and rules of order

Before proceeding to the general discussion, the Chairman raised several points of procedure, most of which had been discussed at the preceeding meeting, but on which he wished to have the approval, or otherwise, of the members

of the Board for the sake of clarity and understanding.

- (1) In his covering memorandum sent out with the draft agenda, the Chairman had suggested that the Board not make any final decisions at this meeting. He wished to know if this was acceptable to the members. It was agreed that this proposal was acceptable.
- (2) The Chairman referred to a section in the minutes of the previous meeting (page 20) in which he had outlined the voting procedure and had asked for comments from the members. Since he had not received any comments he assumed it was acceptable, but make sure he reiterated his proposal which was that members could vote pro or con an item or go on record as abstaining, but that if they did not vote it was assumed that they were voting for an item. This was simply to keep the record clear. It was agreed that this voting procedure was acceptable.
- (3) The Chairman proposed that if any dispute about order were to arise, the Board should follow Parliamentary procedure as outlined in the very useful little reference book "Bourinot's Rules of Order", which presents an abridgement of the House of Commons procedure and a copy of which the Chairman had brought with him to the meeting. The only exception he proposed to these rules of order was that already mentioned above concerning abstentions in voting. Otherwise, he proposed the Board should follow the Parliamentary procedure laid down in Bourinot. It was agreed that this was acceptable.

General discussion about the nature and purposes of bilingual districts, their expected accomplishments, possible advantages and disadvantages, or positive and negative affects.

The remainder of Friday morning, and continuing into the afternoon, took the form of a "think tank" type of session as previously plan. The intention was to explore in a leisurely and uninhibited fashion some of the basic issues concerning, specifically, minority language right and bilingual districts, and more broadly, language policy, planning and structure for the whole country, about many aspects of which members have found themselves in disagreement at previous meetings. Although related to particular items on the agenda, to wit,

III - the principles underlying the Board's recommendations,

- IV - the criteria for decisions, and
- VI - the possibility of utilizing Section 9 (2),

the discussion was deliberately left open and unstructured, following no set plan or procedure. It was hoped that exposure and examination of fundamental concepts and points of view concerning the "principles" and "criteria" for recommending bilingual districts and consideration of other possible methods of achieving or implementing the purposes of the Official Languages Act would uncover areas of agreement or disagreement between members and help in the process of arriving at compromise solutions or as wide a degree of consensus as possible. The following summary is intended only to report some of the more important issues raised and to indicate conclusions, or areas of agreement, reached as a result of the discussion. To give a full and detailed report about the progress of the discussion and to reflect faithfully the individual contributions and nuances of ideas expressed would require a very lengthy document indeed and in fact practically a verbatim transcription of the meetings. If it is considered necessary to have further details for clarification reference could be had to the full tape recordings made at the meetings or a transcript of these recordings could be typed and distributed to members of the Board in the case of dire necessity.

The Chairman asked members if there was any particular order they wished to follow although personally he felt the order did not really matter much because once they got into the discussion, it would all hang out anyway. In the absence of other proposals, he suggested as a starting point the memorandum distributed prior to the meeting by Eleanor Duckworth, as he felt her paper raised the most fundamental issue, i.e. should there be any bilingual districts at all? Miss Duckworth had suggested that the three main reasons for wanting to declare bilingual districts which had emerged during the course of the Board's investigation were: Provision of federal services, morale booster, and leverage. She wanted to know what the expectations of members of the Board and others are about bilingual districts. Was simply the provision of federal services enough? How important was recognition of an official language minority community as a morale booster for such a group? How much political leverage would bilingual districts give minority groups to use in other contexts to secure other linguistic and cultural benefits aside from federal services? How reasonable or realistic are each of these expectations? She felt the Board should also consider if other mechanisms to accomplish these aims would be less cumbersome and costly. She felt that the creation of bilingual districts was a very significant step for the country which would result in creating a big, heavy, awkward mechanism and there might be other ways which would accomplish the same purposes as

effectively and more easily. She felt there was some evidence based on experience, at least in Nova Scotia, that minorities don't need the leverage of bilingual districts to secure other linguistic and cultural benefits. She cited two cases involving French language schooling and cultural exchanges as examples of what could be accomplished in working successfully with both the provincial and federal governments, without the establishment of bilingual districts.

Madame Raymond lui a répondu qu'elle aimerait faire une très grande distinction entre le principe d'un district bilingue et puis la pratique. A son avis, on ne peut pas penser de districts bilingues comme une chose absolue. Il y aurait des conséquences différentes dans les situations et les provinces différentes. Pour le moment, on ne peut pas dire ce que seront les conséquences dans l'avenir. Elle constate que c'est la nature d'un district bilingue de donner les services fédéraux. Il faut ignorer maintenant les autres aspects possibles des districts bilingues. On ne sait jamais les résultats d'une action sociale. La prévision des changements soulève toute la question sociologique. Madame Raymond felt that the Board had no choice except to consider only the provision of federal services as a reason for creating bilingual districts. Other reasons such as being a morale booster, or providing leverage for minority groups should be left aside in making decisions about recommendations because you could project any kind of result wanted but you can never be sure what will happen when there is a change imposed on society. Others then pointed out that such changes might be for good or for ill and if possible one should try to ensure good results and to avoid bad effects from new government programs.

Mr. Hickman was of the opinion that if the only reason for creating bilingual districts was the provision of federal services then in many cases, little or nothing will be accomplished and the Board should forget about some of the small communities in the west and in other parts of the country which have practically nothing now in the way of federal services.

The question was raised what will minority groups actually gain as a result of the creation of bilingual districts and members expressed varying views about this. One member suggested that for many proposed small districts about the only thing being offered was wishful thinking. Examples of some of these small districts, such as Port-au-Port, were cited which have practically no federal services and which already have a form of community organization. The question was asked: "If we call them a

bilingual district, what more will that gain them than they have now". One reply offered was: "The spirit". another mentioned "survival" or "the hope of survival".

Le Père Regimbal mentionne qu'un aspect d'un district bilingue qui devient de plus en plus clair pour lui, c'est que c'est une région administrative, une fonction administrative - tel que mentionné dans la Loi - donc un service. Il y a un effet direct qui semble être très important pour la minorité francophone au nord d'Ontario, c'est le statut légal qu'il comprend. Ca c'est un effet direct de la région administrative - la création d'une région administrative. D'ailleurs, il y aura des effets indirects, comme par exemple, les retombées des choses culturelles, les échanges culturels, etc. qui donneront d'autres résultats sérieux. Celles-ci cependant dépendent sur la vitalité de la communauté. Pour lui, la création d'une région administrative est quelque chose extrêmement importante pour les minorités, une réalité concrète et immédiate.

(To be continued on page 10)

DEUXIEME CONSEIL CONSULTATIF DES DISTRICTS BILINGUES (1972)

Procès Verbal de la 13^e Réunion - 2^e partie

les 13 et 14 octobre 1973

Hôtel La Sapinière, Val David, Québec

Messieurs Alfred Monnin et Adélarde Savoie, absents à la première partie de la réunion, se sont joints aux autres membres samedi après-midi et tous les membres du Conseil et du Secrétariat se sont réunis à la Salle de Conférences de l'Hôtel La Sapinière à Val David à 15 h. 00, le 13 octobre 1973.

Le Président a décrit brièvement pour les nouveaux venus la visite le vendredi après-midi du Dr. Pierre Coulombe et de M. Pierre Lefebvre de la Direction des Langues officielles du Conseil du Trésor. Il a porté à leur attention les deux livres énormes ("Manuel de l'Organisation administrative des langues officielles"), publiés par le Conseil du Trésor et la Commission de la Fonction Publique du Canada, que ces messieurs ont apportés à la réunion et qu'ils ont laissés pour l'usage du Conseil consultatif.

Messieurs Monnin et Savoie n'ont pas voulu avoir un résumé de la discussion qui s'était déroulée à la réunion pendant la journée et demie précédant leur arrivée. Le président a donc procédé au prochain item de l'ordre du jour.

IX - Recommandation provisoire pour les districts bilingues au Québec.

Madame Raymond a lu le document de deux pages intitulé "Recommandation de districts bilingues pour le Québec" du 10 octobre 1973, préparé et signé par elle-même et M. Mackey et distribué aux membres du Conseil juste avant le commencement de la réunion. Les deux membres du Québec ont proposé cinq districts bilingues à travers la province et en même temps, ils ont déclaré que la ville de Montréal et sa région métropolitaine ne pouvait être recommandée comme district bilingue pour plusieurs raisons.

The Board then proceeded to consider the five bilingual districts for Quebec, proposed by Mr. Mackey

and Mme Raymond. They undertook a detailed examination of the possible boundaries and composition of each of these districts with the aid of maps and statistical data supplied under the guidance of Mr. Cartwright, and also with references to the reports of the visits to the various areas made by groups of Board members during the summer and fall.

The Board decided to look at all the regions of Quebec and all the possible districts first, then to come back later, after having completed this overall examination, to make preliminary decisions about districts one by one.

Members began with an examination of the proposed Huntingdon-Compton district along the southern border of the province which included parts of the counties of Huntingdon and Compton at either end and as well as parts of the counties of St. Jean, Missisquoi, Brôme and Stanstead lying between the two extremes. After discussion, it was agreed that this proposed district should be extended to include the area in the county of Châteauguay containing the towns of Ormstown and Howick which had inadvertently been excluded. These towns and the surrounding rural areas are closely linked with Huntingdon and form part of the Châteauguay Valley area which extends as far east as Hemmingford. However, the towns of Châteauguay Centre and Châteauguay, at the northern end of Châteauguay county near the St. Lawrence River, would be excluded from the proposed district because they are essentially dormitory towns of Montreal and lie within the metropolitan census area of Montreal which it was proposed should be considered separately later in the meeting. This question was raised and discussed whether the whole of the county of St. Jean should not be excluded which would create two somewhat smaller districts but perhaps representing more cohesive and natural social and geographic areas that is, the Châteauguay Valley area and the Eastern Townships area which have both been traditionally English-speaking. Although St. Jean county as a whole does not meet the 10% criterion, the southern part does and it had been included in order to provide continuity for one large district stretching from the St. Lawrence Valley to Compton in the Townships.

The Board then proceeded to consider the proposed two districts in the Ottawa Valley, those of Gatineau-Pontiac and Argenteuil-Deux-Montagnes. Members next conducted an examination of the proposed district of Gaspé-Est/Bonaventure and following that of the possible district on the north shore of the Gulf of St. Lawrence (La Côte nord). Having completed their examination of the five proposed districts, the Board then undertook a review of all those separate municipalities or small localities and isolated areas in Quebec, outside the principal districts and the census metropolitan

area of Montreal, which contained more than 10% of the English language minority population. These included the following localities or areas, some of which had already been discussed at previous meetings; Chicoutimi, Schefferville, Sillery, the Shannon-Valcartier area in Portneuf county north of Quebec, part of Richmond county, the Rawdon area, Maniwaki, the cities of Rouyn and Noranda and Temiskamingue. This completed the afternoon's work. Consideration of the Montreal metropolitan region was left over for the Sunday morning meeting.

During the course of the examination of the five proposed districts and of the other smaller more isolated areas referred to above, members frequently compared the treatment or approach used in selecting possible districts and in defining their boundaries in Quebec with the approach generally used at earlier stages of the enquiry in determining possible bilingual districts in other regions of the country. It was observed that, as a general rule, the boundaries of the proposed districts in Quebec tended to coincide with or closely follow the geographic areas in which the concentrations of the English minority language population were found, leaving out counties or divisions which were marginal, or parts of counties in which there was a small population or low percentage of the minority language population. In some other parts of the country, particularly the Maritimes and Ontario, the tendency had been to follow a reverse procedure - that is to include census divisions or subdivisions which had a minority language population below 10%, but which could be brought within the limits of an area whose percentage was sufficiently high to justify the whole administrative or geographic area becoming a bilingual district. Further there had been a tendency to include service centres adjacent to minority language concentrations even if the service centre itself had a minority language group of less than 10%, whereas in some cases in Quebec it was proposed that service centres be excluded because the minority language percentage was too low. Mr. Savoie pointed out that in the case of New Brunswick the whole province had been encompassed within a bilingual district and in Nova Scotia, in the case of the proposed districts of Digby-Yarmouth and of Inverness-Richmond-Antigonish the whole counties had been included; the sub-divisions with considerably less than 10% minority language population had not been excluded, including such towns as Digby and Antigonish. He felt strongly that the same approach should be used across the country.

Differences of opinion were expressed about other criteria used in determining districts. One argument advanced in the Quebec proposals for excluding a centre

like Sherbrooke was that, federal services were already provided in both languages and therefore there was no necessity to guarantee their provision by including the city in the bilingual district. Moreover, Section 9 (2) of the Act would apply in such a case, as also in the case of Montreal. Judge Monnin said that he would refuse to accept the argument that "services were already provided" as a reason for not including an area or a centre in a bilingual district. He felt strongly that this line of argument was not acceptable, 'justified or' in accordance with the provisions of the Act.

Another reason advanced for excluding certain areas in Quebec was that the minority language population was declining, but it was pointed out that if this argument was used in other parts of the country, it would work against a great many of the French language minority communities.

The question of how to treat relatively small and isolated areas or communities in Quebec and in the rest of the country was also discussed. Should municipalities or other areas with a relatively low minority language percentage and a population of a few hundred to two or three thousand people be included in or recommended as bilingual districts or not? For example, Schefferville, Mr. Fox asked if there were any other areas in Canada where we have such a small geographical area and population or Schefferville, St. Georges-Powerview, Ste Rose, St. Lazare in Manitoba were mentioned. Mr. Mackey suggested that the small, isolated French language communities in other provinces were exactly the ones that needed protection the most, whereas the same was not true of small English-speaking communities in Quebec. Mr. Hickman felt that the Board should not be too rigid in trying to apply the same standards everywhere and as far as he was concerned, he was willing to give quite a bit in Quebec, but he felt that 20% or more was fairly substantial, although he was willing to compromise in the case of smaller percentages such as 11.5, 14, etc.

A related question was whether contiguous census subdivisions in adjacent counties which have the required percentage should be attached to bilingual districts comprised of larger areas or whether they should be excluded because the county in which they are situated as a whole had less than the 10%, for example, this was the case with some areas in Terrebonne county and in the Eastern Township (L'Estrie).

Some members also expressed disagreement in the interpretation of the intent of the Act, especially in

relation to the provision of services. For example, Mrs. Carrothers asked if it was not possible to make a distinction between areas with no services in both languages (largely outside Quebec) and others in which complete or full federal bilingual services had been provided and still were (largely in Quebec). She felt that it was fundamental to the purposes of the Act to give the services, thus if they were already in existence one important purpose of the Act is fulfilled. Judge Monnin and Mr. Savoie disagreed and said that the essential of the Act is to guarantee the provision of federal services in bilingual districts wherever there is the required percentage of minority language population no matter what the previous or present situation and that should be the case everywhere across the country. Madame Raymond again asked members if they really understood the spirit of this Act or not. She said if you cannot see the spirit of the Official Languages Act, it is no use discussing anything. In her view, the spirit of the Act is to try to put equality into effect in Canada - to achieve equality of status of the two official languages in the whole country.

Le Père Regimbal a soulevé des points concernant la ligne d'argumentation en faveur de l'élargissement ou de la réduction des districts au Québec ou ailleurs. Il y a un danger d'établir une logique trop rigide. Selon lui, il faut voir l'ensemble. Il vaut la peine de s'arrêter à une considération que nous avons employée dans plusieurs endroits qu'on appelle les effets d'entraînement. Il semble que c'est à partir de cette considération, alors qu'en certains endroits il peut y avoir des effets d'entraînement positifs donc qui motiveraient l'inclusion d'un district, d'une région, contrairement à certaines régions douteuses au Québec, où les effets d'entraînement pourraient être négatifs. Il faut plutôt chercher à expliquer et à se servir de la même argumentation en faveur de la réduction de ces districts bilingues.

At 6.45 p.m., the Chairman adjourned the meeting until nine the following morning.

Dimanche, le 14 octobre - 9:00 a.m.

Le Conseil poursuit la discussion de l'item IX de l'ordre du jour - "recommandations provisoires pour les districts bilingues au Québec", commençant avec la région importante de Montréal.

At the request of the Chairman, Mr. Cartwright went over again with members, making use of various maps and

statistical data sheets, the language distribution patterns for the census metropolitan area of Montreal. He reminded them that if you looked at the whole area using only census subdivisions, i.e. municipalities which had more or less than 10% of the minority language population, this gave a somewhat distorted picture of social reality in terms of the demographic situation. As a result, Statistics Canada had been asked to prepare computer-produced maps based on figures for census tracts showing the distribution of mother tongue populations for French, English, and others. These maps showed much more clearly, accurately and in greater detail the areas of language population concentration both on and off the island and specifically those areas in which you found minority language populations of over 10% or over 20% etc.

In reply to questions, Mr. Cartwright gave the figures and percentages for the Islands of Montreal and Jésus and also for the whole area. The CMA (census metropolitan area) (Région métropolitaine de recensement - RMR) had a total population in 1971 of almost 2,745,000 people. Of this total 66.3%, or about 1,820,000 people were of French mother tongue, while 21.7 or about 595,000 persons were of English mother tongue, and the rest, amounting to 12%, or 328,000 were of other mother tongues than English or French. This represented a slight decrease from 1961 of the proportion of English mother tongue and a slight increase of French mother tongue and of other mother tongues for the CMA.

La veille, M. Mackey et Mme Raymond proposaient que le Conseil ne recommande aucun district bilingue pour toute la région métropolitaine de Montréal ou même pour des parties spécifiques de la région ou de la ville de Montréal elle-même. Ils ont exprimé brièvement les raisons et les critères sur lesquels ils ont fondé cette proposition. Suivant l'invitation du président, M. Mackey faisait un exposé plus élaboré à ce sujet. Il a expliqué ses raisons et examiné aussi les pour et les contre. Il a insisté qu'il est important, pour maintenir et protéger les droits linguistiques de la minorité, de s'assurer de l'application de l'article 9(2) de la Loi. A Montréal, on trouve la plus grande minorité du pays. Ce fait constitue en lui-même une demande importante, d'autant plus que les services fédéraux sont déjà disponibles partout dans cette région dans les deux langues officielles.

In presenting their reasons Mr. Mackey and Mme Raymond stressed the special situation and unique

character of Montreal. If Montreal were to be declared a bilingual district, it would be the only large urban center in the country in that category. Mr. Mackey compared Montreal with Toronto and drew the consequences he foresaw rising from the popular equation which would result from that situation: Toronto - anglophone, Montreal - bilingual.

The question was discussed as to whether Montreal is or should be considered as a French or a bilingual city. The position taken by some members was: If Montreal is not a bilingual city then what is? Mr. Lamontagne said that Montreal was the bilingual district par excellence. Others urged that, in the interest of protecting the position of the French language in Canada, the dominance of French in Montreal should be preserved and nothing should be done, symbolically or otherwise, which would tend to undermine that dominant position now or in the future or which would contribute to the possible process of assimilation to English and thus upset the balance between the official languages in the most important French-speaking metropolitan centre in the country. In discussing the question of whether Montreal would come to be regarded as a French-speaking city or retain its bilingual character, Mr. Mackey pointed out that this raised the whole difficult question of symbolism. He felt the application of the Act in a descriptive capacity to determine or delimit areas which are already recognized as being bilingual was a mistake and that the whole purpose of the Act was to provide federal services in both languages. That is why he felt that insisting on the application of Section 9(2) of the Act as a means of guaranteeing federal services in both languages in the Montreal area and of maintaining the bilingual character of the city, was so important. Others felt that 9(2) could not provide the same of a sufficient guarantee of services as the declaration of a bilingual district under 9(1).

The Chairman pointed out that, following the interpretation presented by Mr. Smith, the Board having first recommended what bilingual districts it wished, could then proceed to make additional recommendations including those concerning the provisions of services in large urban centres. This issue had been discussed by the group during the meeting the previous day prior to the arrival of Messrs Monnin and Savoie and consideration had been given to the idea of Montreal, as one of the large urban centres, being served under Section 9(2). He said the importance of 9(2) as an instrument for the implementation of government language policy had emerged much more strongly as a result of the meeting with the two Treasury Board officials on Friday afternoon. Most of the members present had been greatly impressed with the steps the government was already

taking and said that much more was being done than any members of the Board had previously realized. It seemed apparent that Section 9(2) could be effective, and could be enforced, as a method of providing services in both official languages and as a guarantee of minority language rights. It was pointed out that there was obviously sufficient demand in Montreal and that it was also feasible to provide federal services in both languages because it was already being done.

There was some discussion about possible adverse reactions in Quebec or elsewhere in the country about the kinds of recommendations the Board might make and the necessity to proceed with caution so that the report would be credible and acceptable but different members interpreted the nature of the possible reactions in different fashion and drew different conclusions.

Parlant en tant que membre d'une commission fédérale appelée à faire un travail à l'étendue du pays pour assurer des services fédéraux dans les deux langues officielles, dans les districts bilingues, où se trouve 10% ou plus d'une minorité des langues officielles, M. Savoie déclarait qu'il n'arrive pas à échapper à la réalité que, sur l'Ile de Montréal, il y a une population anglophone de 494,000 constituant presque 22%. C'est la plus grosse minorité linguistique du pays; c'est deux fois la minorité linguistique du Nouveau Brunswick; c'est à peu près l'équivalent de toute la population française de l'Ontario ou tout près.

Si le Conseil veut présenter un rapport consistant, et être capable de le défendre d'un bout à l'autre du pays, il ne voit pas, dit-il, en toute honnêteté et en toute conscience comment il pourrait ignorer toute cette population-là et la mettre de côté. M. Savoie ne peut accepter l'argument des services donnés ou non donnés comme critère pour la détermination des districts bilingues. Le fait que les services sont déjà donnés, ce n'est pas une raison suffisante pour laisser de côté une région avec une minorité aussi importante que Montréal.

M. Lamontagne était d'accord avec M. Savoie. D'autres points sont soulevés. Il est souligné tout particulièrement que le rapport devrait avoir une certaine crédibilité auprès du gouvernement, auprès des autres provinces et auprès du public canadien. Si le Conseil refuse de reconnaître que Montréal est un district bilingue, avec les pourcentages de la minorité, comment sera-t-il possible de faire accepter la situation des districts bilingues dans l'ouest, à St-Boniface ou ailleurs?

Rappelant une idée exprimée plus tôt, M. Savoie suggère qu'il serait peut-être possible dans le rapport de diviser les recommandations en deux catégories, c'est-à-dire, celles où le gouvernement fédéral devrait, selon le Conseil, déclarer des districts bilingues, et les recommandations suivant lesquelles le gouvernement fédéral pourrait déclarer des districts bilingues. Il a exploré cette idée plus loin, plus en détail, donnant des exemples des régions différentes du pays. Ainsi on donnerait au gouvernement une plus grande latitude. In supporting the feasibility of this idea, Mr. Hickman who expressed it in English as the "musts" and the "mays", said that the report could also outline the reasons for the two levels of recommendations and particularly the pros and cons for the second level.

Selon le Père Regimbal, il y a trois possibilités: qu'on ne recommande pas, qu'on recommande, ou bien qu'on recommande un "pourrait" ou une alternative. Mrs. Carrothers felt that the "must" and "may" categories of recommendations were rather a weak way of presenting a choice to the government. She would prefer definite recommendations for districts or for the use of Section 9(2). Mme Raymond and Judge Monnin were in favour of making clear, definite decisions and did not accept the feasibility of the "devrait" ou "pourrait" categories. Father Regimbal felt that it was not simply a choice between black and white but that there were some grey areas in between.

The Chairman asked whether members would like to decide on the point about whether they would have a priority list of recommendations. He recalled that it had been agreed that any decisions made would be of a tentative nature and final decisions would only be made in November. At the same time he felt it was a positive step to decide even tentatively.

Mr. Hickman suggested there was the possibility of three levels of decisions or recommendations not just two. The Chairman pointed out that all members seemed to be in agreement that they wanted some bilingual districts but that they did not agree on others. Following the suggestions of Messrs Savoie, Regimbal and Hickman, Mr. For said the recommendations might be presented in such a way that it was evident some districts were crystal clear, some others were not so sure for which reasons pro and con could be given and also other possible alternatives. He asked members when they wanted to decide what.

D'autres questions soulevées au cours de la discussion concernant le sort de Montréal, au sujet desquelles certains membres ont exprimé des idées divergentes, étaient

les suivantes: la crédibilité du rapport du Conseil et la meilleure façon de l'achever; l'interprétation de la Loi et ses buts réels; et les nuances entre les obligations légales et les obligations morales pour le Conseil et ses membres individuels. For example, Mrs. Carrothers suggested that the real purpose for which the Official Languages Act had been passed was to reinforce the French language in Canada, and insofar as possible, to redress the balance between the two languages across the country. For this reason, she was in favour of the idea of recommending the application of Section 9(2) of the Act to the Montreal area to insure provision of services in both languages rather than recommending that it be declared a bilingual district. She felt this would be acceptable and could be defended in other parts of the country and indeed in Montreal itself.

One school of thought among members advocated a strict and rather limited interpretation of the Act as related to bilingual districts and the responsibilities of the Board, whereas others urged the validity of a broader, more inclusive and more flexible approach to the Act within which bilingual districts were seen as only one instrument among several to accomplish the purposes of the Act. These differences of concept and points-of-view were also reflected in a fairly extended discussion about voting procedure and the process of decision-making, including provisional and final decisions, when, on what subjects, and in what order. The Chairman, supported by some members, insisted that final decisions on all subjects, including bilingual districts and other recommendations, had to be made at the November meeting, however some other members did not accept this as being necessarily either feasible or desirable.

In order to get an expression of opinion about the kind of recommendations the Board should present to the government, Miss Duckworth made a provisional motion, seconded by Father Regimbal, that in making our recommendations we consider the possibility of recommending not only our first level of recommendations for bilingual districts that we all support, but that we also make other recommendations about districts where we have questions or where we have other kinds of recommendations to make. Selon Père Regimbal, la motion veut dire qu'il y aurait deux niveaux de recommandations - fermes et conditionnels. After discussion in which various interpretations or restatements of the motion were put forward, Mr. Hickman urged that it be changed to make possible three levels of recommendations rather than just

two. With the approval of the seconder of the motion Miss Duckworth proposed that it should be changed to incorporate Mr. Hickman's amendment. The Chairman restated the motion in the following terms which were acceptable to the mover and seconder. Moved that in making decisions about proposed bilingual districts we do so in terms of three categories: First, that we recommend some bilingual districts clearly yes; second, that in the case of other possible districts about which we may have some reservations we decide yes or no, but attach our reasoning to the decision. This would not be the same kind of definitive decision as expressed in the first category; third, there are other areas, such as large centres, for which we may wish to make provision, that may not even qualify as bilingual districts, but we want to say something about them because of the need for services. The motion was carried on a vote of five to three with one abstention.

Miss Duckworth wished to emphasize that the motion and the vote was provisional and subject to change later. She pointed out that the Board was divided on this issue and that members should not go away assuming that the question was settled. The Chairman agreed and urged that members should think seriously about this as a major problem for the November meeting, that is whether they want to treat their recommendations about bilingual districts in the fashion outlined in the above motion. Mr. Hickman said that the Board would have to decide this question concerning the kinds of recommendations first, otherwise it could not make any final decisions about specific districts.

Décisions provisoires concernant les recommandations des districts bilingues au Québec

Région de Montréal

Moved by Madame Raymond, seconded by Mrs. Carrothers that the metropolitan census area of Montreal not be recommended as a bilingual district.

Mr. Mackey and Mme Raymond explained that the motion as it stood does not exclude the possibility of putting Montreal under the category of Section 9(2) of the Act, but that it does exclude even the possibility that it might be declared a bilingual district. The motion was defeated on a vote of four to five against.

On being questioned about his vote the Chairman explained that he did not vote because under Bournot's

Rules of Order, the Chairman does not vote unless there is a tie. Bournot further suggests that the Chairman should vote to keep a question open.

M. Savoie a proposé, provisoirement, appuyé par M. Monnin que Montréal (c'est-à-dire la région métropolitaine de recensement) soit recommandée comme un district bilingue qui pourrait être mis en application par le gouvernement. M. Savoie a expliqué que sa proposition demeurerait sous la catégorie de recommandations 1(b). The motion was defeated, on the vote three for five against and one abstention.

At the request of Mrs. Carrothers, there was a discussion about possible political repercussions arising from decisions about bilingual districts for the Montreal area.

Côte Nord du Golfe St-Laurent

Moved by Mme Raymond, seconded by Mr. Mackey that the region of Quebec known as the lower north shore of the St. Lawrence (Côte Nord du bas du fleuve) delimited by the boundaries of census enumeration areas #003 - 010 inclusive be recommended as a bilingual district. Motion carried unanimously, with nine votes for and the Chairman not voting.

Gaspé-Est/Bonaventure

Moved by Mr. Mackey, seconded by Miss Duckworth, that the counties (or census divisions) of Gaspé-Est and Bonaventure, excluding the unorganized territories, be recommended as a bilingual district.

It was pointed out that the boundary of the proposed district would follow the boundaries of the census subdivisions along the line of the coast and would exclude the unorganized, and largely unpopulated, areas in the interior of the peninsula. There was a discussion about the advisability of following county lines or otherwise. Some felt that the irregular boundary based on the census subdivision proposed by Mr. Mackey's resolution represented a kind of artificial boundary which is difficult to describe and that the counties would be better known to the authorities and to the local population. Mr. Mackey pointed out that his boundary proposal is similar to what had been done on the north shore and what is being proposed for the Pontiac/Gatineau district in the Ottawa Valley and elsewhere

in the country. He felt this was consistent. Others disagreed that it was consistent with provisional recommendations proposed in other provinces where in many cases sparsely populated areas had been included within the boundaries of districts. The question was raised about whether the Board as a general policy should include large unpopulated areas in proposed districts or follow closely the population limits leaving out unsettled areas.

An amendment to the motion was moved by Mr Savoie and seconded by Père Regimbal, that the two counties of Gaspé-Est and Bonaventure be recommended as one bilingual district. The amendment was carried by six votes for, to three against.

The motion as amended was carried by six votes for to, two against.

Ottawa Valley - Gatineau/Pontiac

Mr. Cartwright briefly outlined on the map the situation on the Quebec side of the Ottawa Valley in which there are five counties which have over 10% English mother tongue population.

Moved by Mme Raymond, seconded by Miss Duckworth, that the parts of the counties of Pontiac and Gatineau indicated on the map attached to Mme Raymond's memorandum (i.e. the western and southern parts of the counties along the Ottawa River) be recommended as a bilingual district. Motion carried unanimously with nine votes.

Ottawa Valley - proposed district of Argenteuil-Deux-Montagnes

Moved by Mme Raymond, seconded by Mr. Mackey that the area outlined in red on the map composed of parts of the counties of Papineau, Argenteuil and Deux-Montagnes be recommended as a bilingual district.

Mr. Cartwright explained that the proposed districts would include the census subdivisions of Ponsonby and Namur in Papineau county, the whole of the county of Argenteuil excluding the subdivision of Huberdeau plus the census subdivision of St. Colomban and the municipality or subdivision of Ste Scholastique, but excluding the census subdivisions of St. Placide, St. Joseph du Lac, Oka sur le Lac, l'Annonciation, partie nord as well as those parts of Deux-Montagnes contained within the census metropolitan area of Montreal including the cities of Deux-Montagnes and St. Eustache. He also explained that the proposed district

does not include the contiguous census subdivisions in the county of Terrebonne which have over 10% English mother tongue population shown as shaded areas on the map. In reply to a question Mr. Cartwright said these Terrebonne areas had a total English mother tongue population of 1,885 representing 15.5% of the total population of the area concerned. An English-speaking population which Mr. Lamontagne said was increasing considerably.

An amendment to the motion was moved by Mr. Savoie and seconded by Mr. Lamontagne that the contiguous subdivisions in the county of Terrebonne shown as shaded areas on the map be added to the proposed bilingual district of Argenteuil/Deux-Montagnes. The amendment was defeated by a vote of three for, and five against, with one abstention.

The motion was carried unanimously by nine votes for.

Proposed bilingual district in the Châteauguay Valley and Eastern Townships

Moved by Mme Raymond and seconded by Mr. Mackey that the area outlined in red on the map including parts of the counties of Châteauguay, Huntingdon, St. Jean, Missisquoi, Brôme, Stanstead and Compton be recommended as a single bilingual district.

It was explained that, instead of taking whole counties which had a minority language population of 10% or more, the Quebec members had selected those areas or parts of counties containing concentrations of the English language population. The question was asked why one large district was being proposed instead of two based on the natural regions of the Châteauguay Valley and Eastern Township areas. Mme Raymond in reply said it was important not to have too many bilingual districts in Quebec. Although the county of St. Jean as a whole has less than 10% English mother tongue, the southern part of the county along the border which does have over 10% was included in order to link up the two areas to the East and the West. M. Savoie a demandé si ce n'était pas la région discutée la veille avec la possibilité d'un plus grand territoire englobant les centres de services et dans lesquels resterait une population d'à peu près 20% d'anglophones? La réponse fut oui.

Mr. Hickman proposed that the motion should be amended to include the portion of the original area indicated on the map where there is 20% and Richmond where there is 33% of the minority group. It was pointed out that this would include Sherbrooke and Magog as well as part of the county of Drummond and portions

of Shefford county. An amendment to the motion was moved by Mr. Hickman, seconded by Mr. Savoie that the whole of the area as outlined on the map called "county combinations" be the area recommended for a bilingual district. This amendment was defeated by four votes for, to five against.

Miss Duckworth felt that the proposed district was too large and did not form a natural area. She said the townships are one thing, and Châteauguay-Huntingdon another. These are two different areas which should be distinct districts. She moved an amendment to the motion that one bilingual district be recommended in the Châteauguay Valley including part of the county of Châteauguay and the whole of the county of Huntingdon except the subdivision of St^e Barbe and that another district be recommended to the east in the eastern township area but excluding the whole of the county of St. Jean. Mr. Savoie seconded the motion but later withdrew when he discovered that the part of the county of St. Jean to be included had an English mother tongue of approximately 500 people or over 10% of the population of the area. Since no one else was prepared to second the amendment, the Chairman declared it lost.

Mr. Monnin moved, seconded by Mr. Savoie that Mme Raymond's original motion proposing one large district be amended to add the shaded areas on the map including Orford subdivision in Sherbrooke county and parts of Shefford county including Stukely-sud and the town of Waterloo. Father Regimbal proposed an amendment to the amendment that the subdivision of Orford be omitted, which was accepted by the mover and seconder. His reason was that it was an area with a very small population of approximately 150 people of English mother tongue. The amendment was carried on a vote of six to three.

Mr. Monnin moved, seconded by Mr. Savoie that the motion be amended to read: that the city of Sherbrooke be included in the proposed bilingual district. There was considerable discussion about the population figures and percentages of English mother tongue in the city of Sherbrooke, the county of Sherbrooke, the town of Magog and the municipality or subdivision of Magog and Stanstead county and of the population and percentage in this additional area. Mr. Cartwright was of the opinion that this would come to just over 10% English mother tongue but the figures would have to be checked.

Mr. Monnin proposed another amendment that the whole of the county of Sherbrooke be added but since there was no seconder this was dropped. Miss Duckworth said she was perplexed because she was in favour of encouraging Sherbrooke to be a French-speaking city, but on the other hand, members of the Board

have been following the principle of including service centres in proposed bilingual districts and it seemed that Sherbrooke was the service centre for the area. She asked how much Cowansville serves the area under discussion and whether it could be the bilingual centre. Mme Raymond was of the opinion that Cowansville does not correspond to the needs of the area in that respect. Father Regimbal pointed out that even if the city of Sherbrooke was excluded, the citizens would still receive federal services in both languages because of Section 9 (2).

The amendment to add the city of Sherbrooke was defeated by two votes for to seven against, with two abstentions.

Mr. Hickman moved, seconded by Mr. Monnin that the motion be amended to read that the proposed bilingual district include the whole of the county of Sherbrooke and that portion of Stanstead county that has been referred to "the Magog hole". The amendment was defeated by a vote of three for and six against.

The original motion proposing that the area of Quebec along the American border stretching from Huntingdon county in the west to Compton county in the east as outlined on the map, be recommended as a bilingual district with the addition of the shaded L-shaped part of Shefford county was carried by a vote of five in favour and three against with one abstention.

Consideration of other small areas in Quebec as possible bilingual districts

The Chairman reminded members that they still had to make provisional decisions about the small areas in Quebec which they had discussed previously including: Schefferville, Sillery-Shannon-Portneuf, Richmond, Maniwaki, Temiskamingue and Rouyn-Noranda. It was pointed out that there had been a motion the previous afternoon that the combined cities of Rouyn-Noranda should be dropped and that this motion had been accepted. The Chairman asked members whether they wished to proceed with consideration of some or all of these areas or since time was getting late leave them over until the next meeting for provisional decision.

Mme Raymond moved, seconded by Dr. Lamontagne that no bilingual district be recommended for the following areas: Schefferville, Sillery-Shannon-Portneuf-St-Gabriel de Valcartier-Stoneham and Tewksbury, Richmond, Maniwaki and Temiskamingue.

Mr. Monnin moved an amendment, seconded by Mrs. Carrothers, that Schefferville and Temiskamingue should be deleted from the list.

Mr. Savoie felt that the Board needed time to look at all these areas more closely and to discuss and make decisions on each one individually and separately. Consequently, it was moved by Mr. Savoie, seconded by Mr. Hickman that the motion and the amendment be tabled for discussion at a later date. The vote for the motion to table was four votes for and four votes against with one abstention. Since there was a tie, the Chairman voted for the motion to keep discussion open at the next meeting and therefore the motion was carried five to four.

XII - Rencontres avec les Membres du Parlement

The Secretary recapitulated plans proposed for meetings with members of parliament from New Brunswick and Ontario. Mr. Savoie said that he had spoken to Mr. Percy Smith who wished to consult with colleagues in the caucus about whether they would be prepared to meet jointly with the conservatives or separately by themselves. Mr. Savoie suggested that the Secretary consult both Percy Smith and Tom Bell and it was left with the Secretary to get in touch with the New Brunswick M.P.'s as well as Ontario M.P.'s and make the best possible arrangements for meetings on Thursday evening, November 8th.

Mr. Morrison raised the question of meetings with Ministers, in particular those who had been contacted earlier in the summer, that is Messrs. Lang and Richardson as well as Mr. Joseph Guay. There was also some other ministers potentially involved as well as members from Quebec. Since Mrs. Carrothers as well as Mr. Savoie were going to be in Ottawa for a few days during the week of October 29th, Mr. Lamontagne already there and Mr. Fox could come down from Toronto, it was agreed that if the Secretary could arrange additional meetings with ministers or other members of parliament for meetings at some convenient time during that week, he should do so, and inform those concerned. The Secretary said that he felt strongly that to be fair to the Ministry, the Board should make efforts to see at least one member of the Cabinet and discuss the situation, particularly in view of the fact that they had seen a number of other members of parliament. Mr. Savoie said that it was getting late and he doubted whether there would be much time to have additional meetings of this sort. The Chairman also pointed out that efforts had already been made without much positive response.

1:15 p.m. Dr. Lamontagne moved, seconded by Father Regimbal, that the meeting adjourn. Motion carried unanimously.

Paul Fox
Chairman

Neil M. Morrison
Secretary

Ottawa
November 7, 1973





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